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96TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPT. No. 96-1387, VOL. 2

ORIGINAL

IN THE MATTER OF REPRESENTATIVE MICHAEL J. MYERS

REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

[To accompany H. Res. 794]

Appendix 3 to Report of Special Counsel Upon Completion of Preliminary Inquiry

SEPTEMBER 24, 1980.—Referred to the House Calendar and ordered to be printed

96TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. No. 96-1387, VOL. 2

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I

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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E. BARRETT PRETTYMAN, Jr., *Special Counsel*
ALLEN R. SNYDER

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UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

IN RE REPRESENTATIVE MICHAEL O. MYERS)
) Investigation Pursuant To
) House Resolution 608

S T I P U L A T I O N

It is hereby stipulated by and between Special Counsel for the Committee on Standards of Official Conduct of the House of Representatives ("the Committee") and counsel for Representative Michael O. Myers that for purposes of the above-entitled investigation:

1. The transcript of the trial docketed as Number 80 Cr. 00249 in the United States District Court for the Eastern District of New York ("the trial"), now in the possession of Special Counsel, shall be deemed a true and accurate copy of the original trial transcript, so that a certified copy of the original trial transcript need not be made a part of the Committee records.

2. The videotapes and audio tapes which are now in the possession of Special Counsel, the originals of which were introduced at the trial as Exhibits 1 through 10 and 19 through 25, shall be deemed true and accurate copies of the original tapes, so that a witness need not authenticate the tapes now in the possession of Special Counsel for purposes of admission into the Committee records.

3. The transcripts of videotapes and audio tapes which are now in the possession of Special Counsel, the originals of which were introduced at the trial as Exhibits 1A through 10A-1 and, 19A through 25A, shall be deemed true and accurate copies of the original trial transcripts, so that certified copies of the original trial transcripts need not be made a part of the Committee records.

4. The copies of trial Exhibits T-1 through T-10, which are now in the possession of Special Counsel, shall be deemed true and accurate copies of the originals of such exhibits, so that certified copies of the original exhibits need not be made a part of the Committee records.

5. Those portions of the trial transcript, and the exhibits recited above, which have been designated by Special Counsel and cross-designated by counsel for Congressman Myers, shall be deemed the only portions of the trial record which will be considered relevant and material to the Committee's investigation, provided, however, that by so stipulating, neither Special Counsel nor counsel for Congressman Myers concedes that all such portions are necessarily relevant and material to such investigation.

Plato Cacheris
Counsel for Representative Myers

E. Barrett Prettyman, Jr.
Special Counsel to the Committee

September 8, 1980

NINETY-SIXTH CONGRESS

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SPECIAL COUNSEL

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 908

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, D.C. 20515

September 8, 1980

Plato Cacheris, Esq.
1709 New York Avenue, N.W.
Washington, D.C.

Dear Plato:

This is to confirm that your associate, Mr. Gondelman, requested this morning that we omit from the Committee's record in the Myers case Exhibit T-5, which you had earlier requested that we include. We are happy to accommodate you in this regard, and our earlier stipulation should be considered modified accordingly.

Sincerely yours,

Barrett

E. Barrett Prettyman, Jr.
Special Counsel

lmh

PAGES OMITTED FROM TRIAL TRANSCRIPT

The following pages from the transcript of the trial docketed as Number 80 Cr. 00249 in the United States District Court for the Eastern District of New York have been omitted:

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THE COURT: Ready to proceed, Mr.Puccio?

MR. PUCCIO: Yes,sir.

THE COURT: Bring in the jury.

(Whereupon, the jury was seated.)

THE COURT: All right, Mr. Puccio, call your first witness.

MR. PUCCIO: I call Anthony Amoroso.

A N T H O N Y A M O R O S O, having been called as a witness,was sworn by the clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: All right, Mr. Puccio, you may proceed.

MR. PUCCIO: Thank you, sir.

Q Mr. Amoroso, by whom are you employed?

A The Federal Bureau of Investigation.

Q And for how long a period of time have you been employed by the Federal Bureau of Investigation?

A Sixteen years.

Q What is your position or title within the F.B.I.?

A Special Agent.

Q Now, were you assigned to any particular office within the Federal Bureau of Investigation?

A Yes, Miami, Florida.

Q And for how long a period of time have you been assigned to the Miami office of the F.B.I.?

A Since January, 1979.

Q Now, I would like to direct your attention, Agent Amoroso, to the year 1979.

During that year did you act in an undercover capacity as a special agent of the F.B.I.?

MR. BROWN: I object as leading.

THE COURT: It's preliminary, overruled.

A Yes, I did.

Q And during the year 1979, explain to the Judge and to thejury what your undercover role was?

A I was representing two different Arab Sheiks supposedly investing their money in the United States. And specifically in Atlantic City, New Jersey.

Q So that you pretended to be a representative of these two Arab sheiks; is that right?

A Yes.

Q What were the names that were used in this role that you played for these two Arab sheiks that you represented?

A One was CambierAbdul Roman, and the other was Yasser Habib.

Q Now, these names were totally fictitious; is that correct?

A Correct.

Q There were no two individuals that actually existed; is that right?

A Correct.

Q But this was part of your undercover role?

MR. BROWN: I object, these are not questions.

THE COURT: Sustained as to form.

You don't have to argue the objection. I recognize a leading question when I see it, Mr. Brown.

MR. BROWN: Yes, sir.

Q Do you know an individual named Melvin Weinberg?

A Yes, I do.

Q And how did you first make his acquaintance, Mr. Amoroso?

A I was introduced to him in January of 1979.

Q And in what connection were you introduced to him?

A He was working as an informant for the F.B.I. at the time.

Q And was he a part of this undercover activity that you were involved in?

10 Amoroso-direct

MR. BROWN: I object to leading.

THE COURT: Sustained as to the form.

A Yes --

Q What if anything was Mr. Amoroso's introduction made to you for?

A Mr. --

Q Mr. Weinberg's introduction made to you -- withdrawn.

You met Mr.Weinberg in connection with your duties as a special agent; is that right?

A Correct.

Q And in this undercover capacity?

MR. BROWN: I object, again, repeating precisely what you ordered him not to do.

I object.

THE COURT: You objecting to a leading question?

MR. BROWN: Yes.

THE COURT: Sustained.

Q Mr. Amoroso, did Mr.Weinberg portray himself to be anyone, to your knowledge?

MR. BROWN: I object, leading your Honor.

THE COURT: Overruled.

A Yes, he did.

Q And tell us what he portrayed himself to be.

11 Amoroso-direct

A He also portrayed himself as myself, to be an employee of the Arab sheik.

MR. BROWN: If your Honor please, may I object?

This is hearsay.

THE COURT: Overruled.

Q Did you have occasion during the year 1979 to travel with Mr.Weinberg to various places?

A Yes, I did.

Q And when you travelled to these places were you acting in this undercover capacity?

A Yes, I was.

MR. BROWN: I object as leading, your Honor.

THE COURT: I'll permit that one.

Overruled.

Q And when Mr. Weinberg was travelling with you was he also acting in this role?

MR. BROWN: I object, if your Honor please, that's leading and implies hearsay, sir.

He's describing --

THE COURT: Can't you ask him what he did?

MR. PUCCIO: All right.

I'll move along.

MR. BROWN: Thank you, sir.

Q Now Mr. Amoroso, during the year 1979, did you have occasion to meet the defendant Angelo Errichetti?

A Yes, I did.

Q And as best you can recall, when for the first time did you meet him?

A I believe it was early January, 1979 in Atlantic City, New Jersey.

Q And do you recall if anyone else was present when this meeting took place?

A Well, Mr. Weinberg was present.

Mr. McCarthy was present. I believe Mr. Errichetti's secretary was present. And also his driver.

Q Who was Mr. McCarthy?

A He is another special agent of the F.B.I.

Q And at the time of this meeting, was he also acting in an undercover capacity?

A Yes, he was.

Q Now, between the time of this first meeting and July 26th of 1979, did you have occasion to meet with Mr. Errichetti again?

A Yes, on several occasions.

Q And just generally why did these meetings take place, Agent Amoroso?

MR. BROWN: I object.

13 Amoroso-direct

Q Name some of the -- I am sorry.

MR. BROWN: My objection is made to time and place so that we may meet the issues.

THECOURT: I'm sure we'll develop it all before we get through.

Where were the meetings?

THE WITNESS: In Long Island, In New Jersey, in Atlantic City, and I believe in Cherry Hill, New Jersey..

Q Now, out in Long Island, was there an office that you used?

A We did.

Q And did this office have any name?

A Yes, it was a business office named Abdul Enterprises.

Q And what was Abdul Enterprises?

A It was an undercover operation run by the F.B.I.

Q And were there any other employees of Abdul Enterprises?

A Yes.

MR. BEN-VENISTE: I object as to the form. Any other employees?

THE COURT: Start out first: Were there any employees?

THE WITNESS: Yes, there were.

Q Who were the employees?

A All special agents of the F.B.I., aside from Mr. Weinberg.

Q Now, on or about the 26th of July, 1979, did you have occasion to meet with Mr.Errichetti?

A Yes, I did.

Q And where did you meet with him?

A We met in Ft. Lauderdale, Florida aboard a yacht.

Q What was the name of the yacht; do you recall?

A Yes, the Left Hand.

Q And was there anyone else present at the meeting, if you recall?

A Yes, there was.

Q Who else was present?

A Mr. Weinberg, Mr.Howard Criden, Mr. Joseph Meiler I believe his name was, Mr. Errichetti, and myself. Also one of Mr.Criden's sons, whose first name I don't remember.

Q Was Mr. Johanson present?

A Yes, Mr. Johanson was present.

Q Do you see Mr.Errichetti in the courtroom right now?

A Yes, I do.

Q Do you see Mr. Criden?

A I do.

Q Do you see Mr. Johanson?

MR. DUFFY: I'll help.

(pointing).

A Yes, sir.

Q Can you point them out, please?

A Yes.

MR. BEN-VENISTE: We concede identification as far as the defendant Criden is concerned.

MR.DUFFY: Agreed as to Johanson.

THE COURT: All right. The identity of the defendants is conceded.

Q Now, did you have a conversation with any of these individuals aboard this boat?

A Yes, we had a conversation among all of us.

Q And where in the boat did this conversation take place?

A There were two conversations. One which took place on the main deck and the second conversation on the upper deck.

Q And in point of time which conversation took place first?

A The one on the lower deck while the boat was docked at the marina.

Q Can you describe to us please what this lower deck looked like?

A Well, the lower deck consists of a -- to start off with the yacht is 65 feet long. The lower deck consists of a living room, kitchen area, a small table, with what you call a dining area, and then the forward steerage compartment.

Q And by the way, had you ever met with Mr. Criden before that date?

A No, I did not.

Q Had you ever met Mr. Johanson before that date?

A No.

Q How about Mr. Meiler?

A I believe I met Mr.Meiler prior to that time.

Q Now, with respect to the first conversation that you described, tell us as best you can recall what you said, what Criden said, what Johanson said, what Errichetti said, what Weinberg said, and what Mr. Meiler said?

MR. BEN-VENISTE: Your Honor, I would object

to that.

If you're talking about a conversation that has been tape recorded the best evidence of that would be the tape recording.

THE COURT: Are you saying no one can testify about a taped conversation?

MR. BEN-VENISTE: I am saying that the best evidence of a taped conversation rather than have a redundant procedure here in court with a description or characterization of it, and then the playing of the tape, it would be time consuming, unnecessary, and to a certain extent inaccurate.

THE COURT: Is this a taped conversationA?

MR. PUCCIO: There is a tape recording of this conversation.

It has been made available to defense. Available for them to offer if they wish.
I just would like to ask a few questions about it and move on to something else.

THE COURT: All right. Objection overruled. The tape is available for use if it is needed.

MR. BEN-VENISTE: Thank you.

Q Toyour knowledge, this first conversation was tape recorded; is that correct?

//

A Correct.

Q By what means?

A By what we call a Nagra recorder.

Q And where was the Nagra recorder contained?

A In a briefcase.

(continued on following page)

BY MR. PUCCIO: (Continuing)

Q And where was the Nagra recorder contained?

A In a briefcase.

Q And do you see that briefcase in the courtroom?

A Yes.

MR. PUCCIO: May I have this marked, your Honor, because we will make reference to it, as Government's Exhibit 16 for identification, the others having been premarked, sir.

THE CLERK: So marked as Government's Exhibit 16.

(Article referred to was received and marked Government's Exhibit 16 for identification.)

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q Will you examine that suitcase, please, sir (handing).

Is that the case that was used to record this conversation on the boat, the first conversation you referred to on July 26th, 1979?

A Yes, it was.

Q Is there a compartment in the case which is equipped for a Nagra recording device?

A Yes, it is.

Q Is there a device in the suitcase right now?

A No, there is no device. Just the wires.

Q And there are actually microphones embedded in that suitcase?

MR. DUFFY: I object to the form and to the habit, your Honor.

MR. PUCCIO: Your Honor, I thought it was conceded that there was a recording of this conversation.

If it is seriously contested that this suitcase contains --

THE COURT: There doesn't seem to be any contest about it. But the form of the question is leading.

MR. PUCCIO: All right.

MR. BROWN: We do not contest as to the first. The second one, your Honor, wasn't recorded, as I understand it.

THE COURT: We haven't gotten to the second one yet.

* * *

* * *

BY MR. PUCCIO:

Q Mr. Amoroso, do you know how that suitcase works?

A Yes, I do.

Q Will you explain please to the Court and jury how it works?

A Yes, sir.

Concealed within the case itself (indicating) is a permanently wired apparatus which once you insert the Nagra then can be turned on and off by an on-off switch located on the exterior portion of the briefcase.

Q Can you demonstrate that?

A Yes (indicating).

This is the interior portion of the briefcase which the Nagra fits into.

Q And the Nagra is what?

A Is a recording device.

Q And is there anything attached to the

recording device?

A Yes, the recording device is attached to these wires. One controls the on-off switch and the other one -- each of those goes to one of the microphones.

Q So there are microphones?

A Yes.

Q And what does the microphone do?

A The microphone picks up what is being -- any noise that occurs at the time and it transmits it to the tape which is on the Nagra.

Q Would it be fair to say that the Nagra is a little tape recorder?

A Yes. It would fit within the confines of this (indicating).

Q And that piece that you are holding --

A This piece would then be reattached within the briefcase (indicating) like so.

Q And the device that activates the tape recorder would be where?

A In this instance it is the open-closed switch for the briefcase. The locking switch (indicating).

Q Now, I believe you stated that that suitcase was with you on July 26th, '79?

A Yes.

Q And during this first conversation that you referred to, was it activated?

A Yes, it was.

Q And was a tape recording thereby produced by you?

A Yes, it was.

Q Now, tell us in answer to the question, that we didn't quite get to, during this first conversation what did you say, and what did Mr. Criden say, what did Mr. Johanson say, and what did Mr. Errichetti say, what did Mr. Meiler say in substance?

MR. CACHERIS: Your Honor, the name is Meiler. I think it ought to be clear on the record. He is not referring to my client.

MR. PUCCIO: M-e-i-l-e-r, James Meiler.

THE COURT: Oh, I didn't understand that. I thought you were speaking of somebody else. So now I understand it and I guess the jury does too.

MR. PUCCIO: It is M-e-i-l-e-r.

THE COURT: Who is he?

THE WITNESS: I believe he is deceased now, is he?

Q Well, who was he?

A Mr. Meiler was the associate of the other

gentleman who had come down to the boat.

MR. BEN-VENISTE: Your Honor, I object. Now Mr. Puccio has asked the witness to elicit the prior conversation and what did each of these gentlemen say during that meeting.

I would suggest that that evidence is contained on the tape recording, and that if Mr. Puccio wants that conversation elicited he should play the tape.

THE COURT: Objection overruled.

Q Tell us in substance, Mr. Amoroso.

A Well, I couldn't remember exactly what everybody said.

I can remember the gist of the conversation was that Mr. Errichetti had brought the other gentlemen down to the boat to present a package for a casino hotel to be built in Atlantic City, looking for funding, which they were coming to us for.

Q And approximately how long did this conversation take?

A Approximately 45 minutes.

Q Now, you made reference before to a second conversation? Is that right?

A Correct.

Q When did this second conversation take place, and where?

A Well, upon the completion of the first conversation I inquired of the other gentlemen if they would like to take a ride on the boat.

I had the cabin crew undo the moorings and we took a ride up the Inland Coastal Waterway.

Q Was there a second conversation?

A Yes. At that time --

Q Where were you physically on the boat when this conversation took place?

A Well, when we were leaving the marina everybody was free to roam around as they pleased. And the second conversation took place above decks between myself, Mr. Weinberg, Mr. Errichetti and Mr. Criden.

Q Now, did you have a recording device with you during the second conversation?

A No, I did not.

Q Where was the recording device at that time, if you know?

MR. BROWN: I object as irrelevant if he didn't have it with him.

MR. PUCCIO: All right, your Honor, I will move on.

THE COURT: All right.

Q As best as you can recall --

THE COURT: Mr. Puccio, I prefer that you ask questions from the lectern.

BY MR. PUCCIO:

Q As best as you can recall, Mr. Amoroso, what did you say, what did Mr. Errichetti say, what did Mr. Criden say, and what did Mr. Weinberg say during the second conversation?

A During the second conversation I pointed out from a previous day's article in the Miami Herald that Anastasio Somoza, the newspapers were saying that Mr. Somoza -- or that this country was thinking of sending Mr. Somoza back to his home country.

I explained to Mr. Errichetti that the people that I represented were very concerned about such things because they in the future anticipated having to leave their own country and come to this country and that they did not want to run into the same kind of problems that Somoza had.

Mr. Errichetti then stated that there would be no problem. He could line up proper politicians to handle it.

I indicated that as far as money was concerned that that would be no problem.

And he said, "Fine."

That was basically the end of the conversation.

Q Now, did you have occasion to meet with Mr. Errichetti again?

A Yes, I did.

Q When for the next time did you meet with Mr. Errichetti, to the best of your recollection?

A August 5th, 1979.

Q Where did that meeting take place?

A That meeting took place at the Northwest Airlines lounge at the JFK Airport, the first class lounge.

Q That would be in this district? Is that right?

A In Queens, yes.

Q Was there anyone else present at this meeting?

A Yes, Mr. Weinberg.

Q Anyone else?

A No. Just the three of us.

Q Now, did you have the suitcase with you that has been marked for identification?

A Yes, I did.

Q And was it activated?

A Yes, it was.

Q About how long did this meeting take?

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A Approximately fifty minute to an hour.

MR. DUFFY: I am sorry, but I didn't hear what he said.

Was it fifteen or fifty?

THE WITNESS: Fifty minutes to an hour.

Q Was there one subject discussed during this meeting or more than one?

A There were many subjects discussed.

Q At any time during this meeting was there any reference to Congressman Myers?

A Yes, there was.

Q That is the defendant in this case?

A Yes.

Q As best as you can now recall what did you say, what did Weinberg say, and what did Errichetti say in this portion of the conversation about Congressman Myers?

A To the best of my recollection Mr. Errichetti had said that Senator --

MR. DUFFY: Your Honor, I'm going to object to this question for the same reason as expressed by Mr. Ben-Veniste, and that is, that this conversation was taped. I assume we will have a continuing objection, an unsuccessful one, sir?

THE COURT: I don't know that you can assume

that.

Is this one of the conversations that you intend to play the tape on, Mr. Puccio?

MR. PUCCIO: Yes. We planned off this portion concerning this matter.

THE COURT: Why don't we listen to the tape first --

MR. PUCCIO: All right, if your Honor --

THE COURT: (Continuing) -- if any aspects of the conversation further develop from the testimony we will proceed that way.

MR. PUCCIO: All right, fine.

Q I show you Government's Exhibit 1.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q Do you recognize that exhibit?

A Yes. I prepared this exhibit.

Q What is it?

A It is a copy of the original tape with just excerpts taken from the original tape and recorded on this cassette.

Q Let me pursue that for a moment if I may.

On the 5th of August, 1979 the machine was activated, and I take it the original taped conversation was

produced by you? Is that right?

A Yes, it was.

Q Now, that was on a Nagra recording device?

A Yes.

Q Can you explain to us, please, how Government's Exhibit 1 was prepared?

A Well, myself in the company of Mr. Lennek, who is our technical expert, listened to the original, and as the pertinent parts were made available on the original, Mr. Lennek and I recorded them onto this cassette, leaving out the non pertinent material.

Q The original tape, to your knowledge, is still in existence? Is that right?

A Yes, it is.

MR. PUCCIO: Your Honor, I offer this tape recording with this explanation, sir --

MR. BEN-VENISTE: Your Honor, may we approach the side bar if there is to be an explanation?

THE COURT: You said "with this explanation." Is that something you were about to say?

MR. PUCCIO: Yes, I was about to make it -- offer it with the understanding, your Honor --

MR. BROWN: I object to his going any further. I think that your ground rule was nothing

but objections would be in open court.

THE COURT: Are you offering the tape?

It may not be objected to.

MR. PUCCIO: All right, I offer it.

MR. DUFFY: Objection. He has not even been qualified, sir.

THE COURT: Have you prepared what appears on this tape, Exhibit 1, with those portions of the original that it purports to copy?

THE WITNESS: Yes.

THE COURT: Is it an accurate copy?

THE WITNESS: Yes.

THE COURT: Any other objection?

* * *

* * *

All right, Mr. Puccio, you may proceed.

MR. PUCCIO: Your Honor, I have another item which I would like marked. If the Court please, I would like it marked as Exhibit 1B.

THE COURT: 1B for identification?

MR. PUCCIO: Yes.

THE CLERK: So marked, as Government Exhibit 1B.

(So marked.)

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

BY MR. PUCCIO:

Q Now, Agent Amoroso, I show you Exhibit 1B for identification. Can you identify that, please?

(Document handed to the witness.)

A Yes, this is the original Nagra recording which was made on 8/5/79.

Q Was that the recording that was made by you

through the use of that briefcase, with the recorder inside?

A Yes, yes, sir.

Q And with respect to Exhibit 1, which is already marked, the cassette that's in front of you --

A Yes, sir.

Q -- was that made from the original recording?

A Yes, it was.

Q And what portions of the original recordings does it contain?

A What portions?

Q Yes.

A Well, it contains, to the best of my recollection, two portions. I don't know where they are marked on the original, but they were obtained from the original.

Q Well, does it contain the portions of the conversation concerning Congressman Myers?

A Yes.

Q And were you present when this cassette excerpt, let us call it, was made?

A Yes, I was, myself and Mr. Lennick.

Q And is that cassette excerpt an accurate recording of what was on the original?

A Yes, it is.

Q So you've listened to them both; is that right?

A Yes, I did.

MR. PUCCIO: Your Honor, I offer the cassette recording into evidence; that is, Government's Exhibit one.

THE COURT: All right.

MR. BEN-VENISTE: May I voir dire, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

Ladies and gentlemen, for your information, a voir dire is a fancy old French term that lawyers and judges attach to a kind of a mini-cross-examination in the middle of a direct examination, or vice-versa. When an exhibit has been offered, counsel is permitted to ask questions that would relate just to the admissibility of the exhibit. They call it a voir dire. We call other things that too, in our usual loose use of language; but you may proceed, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Amoroso --

MR. BEN-VENISTE: -- may I approach the witness

again, your Honor?

It may be helpful if I ask questions near the witness stand so that I may refer to Exhibit number 1B.

THE COURT: Go ahead.

Q Mr. Amoroso, looking at Exhibit 1B, which is the original tape --

A Yes.

Q -- there are some evidence stickers placed around it, F.B.I. evidence.

Did you place that sticker on the envelope?

A Yes, I did.

Q And do you remember when you first placed it there?

A The first time?

Q Yes,sir.

A The first time I would have placed it -- I would not have placed it.

What I would have done on the first, the first time I obtained this, I made out the sheet in front of me. I would have signed my name, which I did here, and the date and time that I received it.

When then I released custody to another agent, I would then sign all off here, which I did, on 8/6 at this time

(Indicating), releasing it to the agent here.

Q So that, if I understand you -- if I can interrupt for just a second, sir -- on the 5th of August, which is the day the recording was made --

A Correct --

Q You took the tape recording, you logged it in, put it in an envelope and made up this sheet --

A No, that's not correct.

Q You didn't make up the sheet on the 5th?

A No.

The tape was in my custody on the 5th.

I maintained it in my custody until I could obtain the envelope, which was on the 6th, make out the envelope and release it to another agent.

Q So that you recorded every time that someone else had it, you released it--

A Well, no, I don't release it.

The agent that has custody releases it. I had custody; then I released it.

This agent has custody, he releases it.

Q And it's all very carefully recorded as to the date and the time that each of these individuals obtained this piece of evidence; is that correct?

A Correct, correct.

Q And this is in accordance with very strict F.B.I. policy; isn't it?

A Correct.

Q So that there is no confusion about where evidence goes, whether it gets lost or mishandled; is that correct?

A Correct.

Q And there are very strict regulations concerning that, so that the integrity of the evidence is maintained?

A Correct.

MR. BEN-VENISTE: No further questions, your Honor.

I have no objection to the offer of either 1A or 1B.

MR. PUCCIO: Well, we are offering one.

THE COURT: At this point, only one is being offered.

MR. PUCCIO: And we leave it at that, your Honor. The other is available to be offered.

MR. BEN-VENISTE: Thank you, sir.

THE COURT: Exhibit 1 is received in evidence.

MR. PUCCIO: Now, may I proceed, sir?

THE COURT: Yes.

CONTINUED DIRECT EXAMINATION

BY MR. PUCCIO:

Q Agent Amoroso, did you have occasion to make a transcript of this excerpt that's contained in Exhibit 1?

A Yes, I did.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibit 1A for identification and ask you if you recognize it?

(Document handed to the witness.)

A Yes, I do.

Q And what is it, please?

A This is the transcript which I got from the original tape and from the duplicated copy, which you have there.

Q All right.

Now, you participated in the preparation of that transcript; is that right?

A Correct.

Q And did you, to the best of your ability, compare the voices on the tape to that transcript when it was typed?

A Yes.

Q And is it an accurate representation, or at

least, as best as you are able to perfect it --

A Yes, it is.

Q -- of what was said during that excerpt of that conversation?

A Yes, it is.

MR. PUCCIO: Your Honor, I offer the transcript 1A into evidence as well.

THE COURT: Any objection?

MR. DUFFY: Except for the others, no new ones, sir.

THE COURT: Same objections as before; same ruling, overruled; and 1A is received in evidence with this caution to you, ladies and gentlemen:

What the transcript is is, of course, the interpretation of someone -- perhaps someones plural -- as to what is on the tape. It will be given to you in order to assist you in following the tape and understanding the tape; but as between the transcript which you see with your eyes and the tape that you will hear with your ears, it is your ears that control; because sometimes things are a little difficult to understand. Maybe somebody coughs or something and you may or may not be able to hear through the

cough.

If you interpret what is on the tape any differently from what is on the transcripts, keep in mind, the transcript is simply to assist you; and accept it for what it is worth, and offer to help. But it is the tape that you should concentrate on and, if you hear the word "Balloon" said then on the tape and it comes out in the transcript as "Abra cadabrah", you consider it as "Balloon."

All right, 1A is received in evidence.

MR. PUCCIO: Your Honor, I wish to play the tape. May I have it marked in evidence?

THE COURT: Allen, mark it, please.

MR. PUCCIO: And the transcript as well.

THE CLERK: Yes, sir, thank you.

(Tape and transcript, Government's Exhibits 1 and 1A, respectively were marked in evidence.)

* * *

* * *

Proceed,Mr. Puccio.

Q Mr. Amoroso, certain initials or abbreviations are used in the transcript; is that correct?

A Yes.

Q What is used?

A Tony DeVito is represented by, I see here, D.T.

Mel Weinberg by M.W. Angelo Errichetti is A.E.

On the top part, that is a typographical error. D.T., it should read as the transcript does, T.D.

Q That's the name you were using?

A Yes, Tony DeVito.

Q And I.A. indicates what?

A Inaudible.

Q That's just in your opinion?

A In my opinion, yes.

MR. PUCCIO: May we play the tape?

THE COURT: Proceed.

(Whereupon tape recording referred to is played.)

[Exhibit 1A: Transcript of Audio Tape Exhibit 1]

Date: August 5, 1979

Time: 4:00 P.M.

Place: Northwest Airlines Longue
John F. Kennedy International Airport
Queens, New York

Participants: TONY DE VITO (DT)
MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

MW: Gettin' older.

TD: HA . . . He finally . . . it finally hit ya, ha.

MW: (IA)

UF: Would you like to have a drink?

AE: Nothing . . . No thank you.

TD: I'll take . . . you got some ah . . . diet coke or

UF: Tab.

TD: Tab, yeah that's alright.

MW: He's on a diet.

TD: I am on a diet after last week.

MW: Hey, you know who he can get for us.

TD: Hah

MW: He can get Senator Talmadge.

AE: I'm working on that so far, Okay, Congressman Ozzie Myers, Okay?

TD: Okay.

AE: I met with him already and I talk to him like I am talkin to you . . . okay so you understand.

RD: Yeah.

AE: And before I forget there's, ah, 15 comin' back. Alright (laughter).

TD: Who's the Congressman.

AE: Ozzie Myers . . . Now he's a strong cocksucker; this guy, he's got balls that big. Congressman Lederer, he's from Philadelphia also.

TD: Leder?

AE: Lederer . . . okay . . . we got Talmadge we're working on, who's agreed . . . haven't gotten to that point yet, okay.

MW: You would think he'd be a scared to do it.

AE: No. He's got more balls than brains, also there's a shot at two Congressmen from Georgia.

TD: (IA) Names?

AE: Remember their names: (laughing) (IA) . . . names with me, okay.

TD: If, you move not like a freight train but like a tornado.

AE: I'm not even done yet . . . we got nothing yet here, two from Florida.

MW: You don't know who they are . . . huh.

AE: No. There's gonna be two Congressmen from Florida being set up to talk to . . . in fact they were approached, they said yes, they have to meet with me on time, place, logistics . . . what I expect them to do . . . friendship, they's gotta say and what they've gotta prove, guarantees, you know whatever they say. Haven't met them yet.

TD: Yeah.

MW: O.K.

* * *

AE: Before I forget . . . on this . . . on this Congressman Myers, when do you want to see him.

MW: Ah . . . we'll give you the answer tomorrow . . . I got to get down.

AE: I hear ya.

MW: Yeah. Well ya see I'll let ya know exactly cause ya got to get the cash out of the bank . . . you know we got to be careful taking it out . . . we just need a few days we'll get that squared away for ya . . . alright.

TD: He's gonna have to . . . he's gonna have to like move that through somebody in the State Department.

AE: Sorry?

TD: He's gonna have to move that like through somebody in the State Department.

AE: Who?

TD: The Congressman.

AE: He'd do anything . . . he's gonna be your fuckin' man period . . . anything you want.

TD: Yea.

MW: All he's got is to tell Yassir is that ah when the time comes . . . I will sponsor anything you want.

AE: Yeah.

MW: Huh.

AE: He'll say that

MW: You know

AE: He'll say that . . . let me tell you something

TD: I know it.

MW: What did you burn your eye?

TD: Hah

AE: Let me tell you something this guy is good, Myers is good . . . we got a stronger guy in the State Department.

* * *

[Tr. 617 continued]

Q Now, Agent Amoroso, did you have occasion to meet with Mayor Errichetti again?

A Yes, sir, I did, the following day on August 6th, 1979.

Q Where didthat meeting take place?

A Excuse me, at the Hyatt House in Cherry Hill, New Jersey.

Q Where in the Hyatt House did that meeting take

place?

A In Room 1028.

Q Was anyone else present at this meeting?

A Yes, myself, Mr. Errichetti and Mr.Weinberg.

Q And did you have the suitcase with you with the tape recorder in it?

A Yes, I did.

Q And did you make a recording of this conversation?

A Yes, I did.

MR.PUCCIO: May I have this marked, your Honor, as Exhibit 2B.?

THE CLERK: So marked as Government's Exhibit 2B.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Exhibit 2B and a cassette marked as Exhibit 2. I would like you to identify both of those for us, please.

(Handed to the witness.)

A Yes, sir.

2B is the original Nagra recording. And 2 is the excerpt copy which I made with Mr. Leonard.

Q Did you make a transcript of the portion of this conversation?

A Yes, I did.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Exhibit 2A for identification. Can you identify that,please?

A Yes, this is the transcript which I prepared.

Q And is that transcript a transccript of the conversation prepared to the best of your ability?

A Yes, it is.

MR. PUCCIO: I offer the transcript and the cassette, your Honor, 2 and 2A.

THE COURT: Any objection?

MR. BEN-VENISTE: May I voir dire, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: Does your Honor want to hear any objections on excerpts at the sidebar?

THE COURT: You mean as to the fact of excerpting or specific objections to the specific excerpt?

MR. BEN-VENISTE: Yes.

THE COURT: Yes, I will. Do you want that after your voir dire or before it?

MR. BEN-VENISTE: Whichever is more convenient

to the Court.

THE COURT: I am just thinking of the hour. We will have to stop at five because I have to hear another matter at 5 o'clock. So let's see how quickly we can do it.

MR. BEN-VENISTE: I will do the voir dire very quickly.

THE COURT: Yes, do that.

If this goes into evidence, ladies and gentlemen, it's a half a page. So it will not hold us up very long. It may take, however, two days to get into evidence.

MR. BEN-VENISTE: We have not seen these exhibits before, your Honor.

THE COURT: I understand.

MR. BEN-VENISTE: We -- referring to Exhibit 2B.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q With respect to 2B, it is wrapped in evidence tape again?

A Correct.

Q And can you tell from looking at it when you delivered it to another F.B.I. agent for keeping in the safe?

A This shows Mr. McCarthy took it for duplication. It says February 26th of 80.

Q When did you first turn it in?

Can you tell from looking at it?

A From this?

Q Yes.

A I ascertained the original report on 8/6/79. It doesn't indicate anything after 2/26/80.

Q Can you tell when you first turned your tape recording that you made, 2B, into someone else at the F.B.I. for safekeeping?

A No.

Q You can't tell that?

A Not from there.

Q Do you remember when you gave it to someone at the F.B.I.?

A It would have been within a couple of days ofwhen it was obtained .

Q Well, you recall that you gave the first tape, the one of August 5th to someone on the 6th?

A That's because it was indicated on there.

Q Does it help your recollection, would you have given this one on the same day, too?

A It's very possible.

Q Wouldn't you have a sheet of paper like this --

A It may be in there.

Q Excuse me, like this one, that starts with the very first date that you began logging this in?

A No. When that -- when that was obtained I was in Cherry Hill. I don't travel with the forms in my possession. What I would have done is on the inside of thecassette is a cover. I would indicate the date, time and what not.

I would then in that instance hold on to that until I got to one of the other agents working on it and turn it over to him.

Q Now, wouldn't there be an indication on a folder like this as to the date that you actually turned it into the other agent?

A If I gave him the original cassette, it wouldn't be on that folder. He would have made it out. He would have signed his name.

Q On a form like Exhibit 2B?

A On a form like that, correct.

Q Do you know where that form is?

A No.

MR. BEN-VENISTE: We may want to discuss an objection, your Honor.

THE COURT: Sidebar?

MR. BROWN: Judge, may I just for the purposes of voir dire for the sidebar have a voir dire?

THE COURT: Proceed.

VOIR DIRE EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, you have had the excerpt number 2B; is that correct?

A Yes, that's right.

Q And as his Honor indicated to the jury, it's actually about eleven sentences; is that correct?

A Yes.

Q Can you tell us what proportion of the total tape that represents, that is to say, the tape which has been marked 2A, dated August 6th, '79, 9:30 A.M?

A I would say a very minute portion.

Q Would you say that it probably represents ten or eleven lines out of twenty-five pages, approximately?

A It's a possibility.

I don't remember how long the original is.

Q I understand. I will not hold you to that. Roughly, that's true, isn't it?

A It could be, yes.

MR. BROWN: I have no further examination.

* * *

15 Amoroso-direct

(The following takes place in open court and in the presence of the jury.)

THE COURT: Ladies and gentlemen, I have overruled the objection that we have discussed at the sidebar. Exhibits two and 2A are received in evidence. Again, we are dealing here with a conversation where the only defendant that is a participant is the defendant Errichetti. And you should consider this as a limiting instruction of the nature that I gave you somewhat earlier in connection with Exhibit 1A. At this stage of the trial you may consider it only with respect to Mr. Errichetti and not with respect to any of the three other defendants.

MR. PUCCIO: Your Honor, may we distribute the 2A exhibits to the jury?

THE COURT: Yes, please do.

MR. PUCCIO: May I approach the witness and get the exhibits marked?

THE COURT: Yes.

We will listen to the rather brief excerpt on Exhibit 2A and then we are going to recess for the day.

THE CLERK: Your Honor, 2 and 2A are both in?

THE COURT: Yes, 2 and 2A.

(Transcripts are handed to the jury.)

THE COURT: If the transcript doesn't begin August 6th, 1979, 1:30 A.M. let me know.

All right, Mr. Puccio, you may proceed.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continued).

Q Again with respect to this transcript, the initials M.W. are used for Mel Weinberg, Angelo Errichetti is A.E. and Tony DeVito is T.D.; is that correct?

A Yes.

MR. PUCCIO: May we play it, please?

THE COURT: Yes.

(Whereupon, the tape recording referred to is played.)

* * *

[Exhibit 2A: Transcript of
Audio Tape Exhibit 2]

Date: August 6, 1979

Time: 9:30 A.M.

Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)

MW: And the other thing I want to tell you on a Myer, right? I'm arranging for the money and we hope to do that in the next week, or week after next . . . on Myer . . . I got it all set up.

AE: He's all set. He's all set.

TD: Alright.

MW: You understand? I want to especially now extra double careful, alright? Uh and then on the rest we'll go one right after another.

AE: They're there.

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16	Document	572	
1B	"	604	
1, 1A	"		612
2B	"		618

* * * * * * * * * * *

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 13, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
OFFICIAL COURT REPORTER

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* * *

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ANTHONY AMOROSO, having been previously duly sworn, resumed the stand and testified further as follows:

THE CLERK: Mr. Amoroso, please be advised that you are still under oath.

MR. PUCCIO: May I proceed, sir?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continuing)

Q Mr. Amoroso, you will recall when we adjourned yesterday you testified concerning a meeting at the Hyatt House Hotel in Cherry Hill, New Jersey, attended by you, Mr. Weinberg and Mr. Errichetti on August 6th, 1969?

A Yes.

Q And subsequently a tape recording was played of a portion of that meeting; is that correct?

A Yes.

Q Now, did there come a time, sir, when you met with Mr. Errichetti again?

A Yes.

Q When did that occur?

A That was on the following day, August 7th, 1979.

Q Where?

A At the Hyatt House Hotel, Room 1028.

Q Was anyone else present at that meeting?

A Yes, myself, Mr. Errichetti, Mr. Weinberg and Mr. Howard Criden.

Q And when the meeting began was there anyone else present?

A Yes. Mr. James Meiler.

Q Was that the same gentleman present on the 26th of July in Fort Lauderdale on the boat?

A Yes.

Q Now, about how long did this meeting take?

A The entire meeting, approximately one hour.

Q And was Mr. Meiler present during that entire meeting?

A No, he was not.

Q Was a tape recording made of this meeting?

A Yes, it was.

Q And how was that recording made, sir?

A By the same method previously stated, by the use of the Nagra.

Q That's Government's 16 for identification; is that correct? That is the suitcase is Government's 16?

A Correct.

Q Did you activate the equipment yourself?

A Yes.

Q Whose room was that? Do you recall?

A I believe it was my room.

Q I now show you --

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibit 3-B and I ask you to identify it, please.

A Yes.

This is the original Nagra recording of the August 7th, '79 meeting.

Q Produced by you; is that right?

A Yes.

Q Now, did you have occasion, sir, to make a copy of any portion of this recording?

A Yes, I did.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibit 3 and I ask you to identify it.

A Yes.

This is the copy I made, I participated in, I participated in making.

Q And have you listened to the original recording?

A Yes.

Q And is the original recording an accurate recording of the meeting?

A Yes, it is.

Q And have you listened to Exhibit 3-B, a copy -- I'm sorry, Exhibit 3-D, the copy?

A Yes.

Q And is that an accurate copy of a portion of the meeting?

A Yes, it is.

Q Did you have occasion to participate in the preparation of a transcript of Exhibit 3?

A Yes.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Exhibit 3-A and I ask you to identify it.

A This is the transcript that I participated in.

Q Have you checked the transcript against the copy, that is, have you checked 3-A against 3?

A Yes.

Q And to the best of your ability can you say to us that to the best that you're able that is a copy you made

of the transcript of that excerpt?

A Yes, to the best of my ability.

Q There might be a word here or there that is not exactly the same; is that right?

MR. BROWN: I object to that, your Honor. That's gratuitous and improper.

THE COURT: Sustained as to form.

Q Is it absolutely word for word, Mr. Amoroso?

MR. BROWN: I object to that as leading, your Honor. He can ask what his opinion is without leading him, your Honor.

I beg your pardon.

THE COURT: Please, Mr. Brown.

MR. BROWN: Yes. I beg your pardon because I suddenly realize what your ruling is.

THE COURT: Objection overruled.

Do you remember the question?

THE WITNESS: No.

THE COURT: Read it back.

Q Is the transcript exactly word for word of the copy of the portion of the meeting?

A There could be minor errors in my interpratation of a word.

MR. PUCCIO: I offer Exhibit 3 and 3-A into

evidence, your Honor.

MR. BEN-VENISTE: May I voir dire, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Exhibit 3-A, Mr. Amoroso, the transcript, does not include Mr. Meiler's name, does it?

A No, it does not.

Q And that's because in the excerpt Mr. Puccio wants to put into evidence Mr. Meiler has already left the meeting?

A That's right. He was not then present.

Q Now, on Exhibit 3-B, the first date that appears on the evidence envelope is 8/7?

A That's correct.

Q That's the very day that you made the tape recording?

A Correct.

Q And then there is a bunch of signatures on the evidence sheet which shows the people who looked at the tape, who handled it and the exact times and dates and their

names?

A Correct.

Q And this was, of course, according to this strict FBI policy regarding the making of tapes?

A Correct.

MR. BEN-VENISTE: I have no objection, your Honor, except to renew the objection which was made yesterday as to certain names.

THE COURT: All right. That objection has the same ruling, it is overruled.

MR. BEN-VENISTE: Thank you, your Honor.

THE COURT: Are there any other objections to 3 or 3-A?

(No response.)

THE COURT: Both exhibits received in evidence.

MR. PUCCIO: May I circulate the books and play the tape to the jury, sir?

THE COURT: Yes.

MR. PUCCIO: Your Honor, could we follow the practice if anyone in the courtroom -- rather, anyone on the jury has trouble hearing they could raise their hand and we could adjust the equipment? Occasionally there may be difficulty.

THE COURT: I assume that the jury if they

have trouble hearing any part of this proceeding, whether on the tapes or in the courtroom, would notify me immediately.

All that is happening here is for your benefit. If you are not hearing it, you are wasting our time. So if you don't hear it, let me know immediately.

Thank you.

(Whereupon the tape recording referred to is played.)

[Exhibit 3A: Transcript of
Audio Tape Exhibit 3]

Date: August 7, 1979

Time: 10:30 A.M.

Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey

Participants: HOWARD CRIDEN (HC)
MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)

HC: Can we talk about that other situation now?

AE: What's that?

HC: The candidates.

AE: No.

HC: No?

AE: I told him about Myers.

HC: Yeah, I know, I mean can we talk about that now?

AE: No, I talked to them last night.

MW: It's that already been taken care of. That we'll have ah when we get the cash in.

AE: Alright.

MW: I don't want to take it out of a bank here.

HC: I've got what Feedoe (ph) as a backup.

MW: What, what do you mean by the backup.

AE: Two from Georgia.

MW: Yeah, who are the ones from Georgia?

HC: And you know there's a third guy.

AE: Lederer

HC: Heh

AE: Lederer from Pennsylvania.

HC: Yeah, I know but I mean the big guy.

AE: Talmadge

HC: Yeah

AE: I told them.

HC: Congressman Elliot Levitas L-E-V-I-T-A-S. Congressman Fowler, both out of Altanta and Talmadge.

MW: That's no problem.

HC: Besides another guy by the name of Lederer, Congressman from Philadelphia, and the guy you know, first mentioned

MW: That will be in touch er, er if not next week, week after next we'll move on that - that's that's the easiest part. That that's no problem, that can be handled. We give you the O.K. on that now, its no problem with that. Our problem is Atlantic City.

* * *

HC: When you do that first candidate job, where you gonna do that. Up in your place?

MW: No, no, no I don't even want it in the office. We'll get a suite of rooms in a hotel.

HC: Down here?

MW: Ah yeh we'll

TD: We'll make it like convenient for everybody. In other words we'll take maybe near the, near the airport, near Kennedy or LaGuardia someplace.

AE: That's two hours driving, its driving easy.

TD: You know, this way, this way everybody's . . .

HC: Convenient.

TD: Nobody's got to drive four hours

HC: O.K.

TD: Or you know it makes it easy for everybody.

AE: Its excellent for us, excellent as far as time only because its two hours away but its the Garden State Parkway its right there, the turnpike's right there, it all comes together anyway you want.

HC: Alright.

MW: This, when he meets Yassir just tell him to come on strong.

HC: Well he's going to give em, give him a briefing.

AE: I'll give him . . .

MW: The stronger the better, Yassir probably won't even say word to him. He's very conscious how he speaks English. See Abdul is different. Abdul speaks perfect English because he was educated in England. Yassir wasn't.

TD: But they both know how to count.

MW: Oh yeah.

HC: And they both know when they're getting the right count, I'll bet, too.

MW: Oh yeah, there's two shrewdies. I think Yassir's a Jew. If you want to know the truth.

HC: (chuckles)

MW: He's a shrewdy. In his own way. He sat on the yacht there that day and he didn't speak to on one. The interpreter spoke, you know. But he understood every fuckin word they said. You hit it right on the head.

AE: Sure did.

TD: Well if tou want to get, to get a bite to eat

MW: Alright

TD: One o'clock or er do something.

AE: Its one o'clock already?

TD: Yeah.

* * *

DIRECT EXAMINATION

BY MR. PUCCIO: (Continuing)

Q By the way, Agent Amoroso, was there any mention at all of Congressmen or candidates while Mr. Meiler was in the room?

A No, sir.

Q No one in the room mentioned a word about Congressmen?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

Q No one in the room mentioned a word about Congressmen or candidates while Mr. Meiler was present?

MR. BEN-VENISTE: Objection, your Honor. It's been asked and answered. It's the same question he just asked.

MR. PUCCIO: I will go on, your Honor.

Q Now, Mr. Amoroso, did you ever meet with the Mayor of Camden after this meeting?

A Yes, I did.

Q And where did that meeting take place?

A That took place on August 8th, 1979, also at the Hyatt House Hotel, Room 1028.

Q Who was present at that meeting?

A Myself, Mr. Weinberg and Mr. Errichetti.

Q Now, was a tape recording made by you of that meeting?

A Yes, it was.

Q How?

A By the same means, using the Nagra in the briefcase.

MR. PUCCIO: Can I approach the witness, sir?

THE COURT: Yes.

Q I show you Exhibit 4-B and I ask you to identify it.

A Yes. This is the original recording that I made on 8/8/79.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q Now I show you Exhibits 4 and 4-A. First

with respect to 4 and then 4-A, I would like you to identify them.

A 4 is an excerpted copy of the original which I made with Mr. Leonard.

4-A is a transcript which I completed from both -- from number 4.

Q Now, have you listened to the original Nagra recording and the cassette, that is, 3-B and 3?

A Yes.

MR. BEN-VENISTE: I thought we were talking about Exhibit 4, your Honor?

MR. PUCCIO: I'm sorry.

Q 4-B and 4?

A Correct.

Q And is Exhibit 4 an accurate copy of a portion of Exhibit 4-B?

A It is.

Q And is the transcript, Exhibit 4-A, an accurate transcript of Exhibit 4?

A To the best of my ability, it is.

MR. PUCCIO: Your Honor, I offer Exhibits 4 and 4-A.

THE COURT: Any objection?

MR. BEN-VENISTE: May I voir dire, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Amoroso, Exhibit 4-B is the evidence folder again?

A Yes.

Q And 4-B has your name on it as the first entry and it says that the first date is 8/8/79?

A Correct.

Q Does that mean that you turned it in for custody to the FBI safe on the same day that you made it?

A No. The date I relinquished custody is on the right-hand side.

Q I see it was 8/8/79?

A That's the left-hand side. I had custody and I relinquished custody on 8/10.

Q I see. You relinquished one of these folders on 8/8/79?

A No. I retained the cassette in my custody until that time.

Q So when it said 8/8/79, you wrote that on the 10th of August?

A Possibly, yes.

Q Now, where it says the names of the persons intercepted, that means the people who were tape recorded?

A Yes.

Q Is that correct?

A Yes.

Q There is Errichetti, Weinberg, DeVito, that's you?

A Yes.

Q And Vincent Cuti.

Who is Vincent Cuti?

A Vincent Cuti is an attorney from Long Island, New York.

Q Was he participating in this investigation in some way?

A No. He was not present when this excerpted copy was done.

Q You mean he wasn't present --

A He wasn't present when the conversation was recorded. He had already left.

Q Was he working with you in the investigation or was he brought in for some other purpose?

A He was brought in for some other purpose.

Q Who brought him in?

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A Myself and Mr. Weinberg.

Q Wasn't Mr. Cuti Mr. Weinberg's lawyer?

A No, he was not.

Q You are sure of that?

A I am sure of that.

Not at the time I was involved there.

Q And then after the 10th when you say you released this tape from custody, everybody whoever saw the tape signed this slip?

A Correct.

Q And that was in accordance with policy?

A Correct.

Q When is this policy set forth of how to handle these tapes and how strict you have to be about it?

A That's a good question. I am not sure I know the answer to that.

Q Well, who told you?

A Who told me?

Q Yes, how to do all this.

A I guess it just comes from experience. I don't know.

Q But you knew it before this investigation?

A Yes. I participated before in making recordings and in recording in such a manner.

Q And you went over that with Mr. Good who was your boss in this investigation?

A Correct.

Q And Mr. Good is sitting here with Mr. Puccio?

A Correct.

MR. BEN-VENISTE: I have no further questions and I have no objection, your Honor, to the introduction of this evidence.

THE COURT: Is there any other objection to 4 and 4-A?

(No response.)

THE COURT: Received in evid nce.

MR. PUCCIO: Your Honor, while we are doing that, may we collect the books and put in the next transcript?

THE COURT: Wouldn't it be easier simply to pass out the transcript?

MR. PUCCIO: I'm sorry. Let's just pass out the transcript. I'm sorry, Judge. We started with a full book and I don't know what happened after that.

(The transcripts were passed out among the jury.)

* * *

* * *

MR. PUCCIO: May we play the tape, your Honor?

THE COURT: Yes.

(Whereupon, the tape recording referred to was played.)

(Continued on next page.)

[Exhibit 4A: Transcript of Audio Tape Exhibit 4]

Date: August 8, 1979

Time: 4:30 P.M.

Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)

INAUDIBLE (IA)

MW: We'll try and push it as fast as possible alright and on ah what's it Myers?

MW: The Congressman.

AE: The Congressman.

MW: Yeah. We'll see if we get that started as fast as possible, too.

AE: He is ready, willing and able tomorrow morning, he called me this morning.

TD: He'd have to introduce some kind legislation right, some kind of bill or something

AE: Whatever you say

TD: Well I don't know, whatever I say, he's the guy that knows more about what has to be done than I would, I don't you know, I

AE: You mean in regards to Yassir

TD: Yeah

MW: Yeah let him tell Yassir whatever he had to tell him

TD: I mean what I'm saying is, yeah, but what I'm saying is, he would know better what procedure . . .

MW: Well if it comes to pushing it up big people behind him going to the right people saying, hey, let this guy in, they can give him political whatever the hell they call it.

AE: I will naturally talk to Ozzie first I just trying to grasp as to he will say, Ozzie's got balls, that's for openers.

* * *

AE: He represents all Italians, you gotta be a pretty decent guy, be Irish and be fucking Italian like him in South Philly, like Rizzo thinks he's the greatest thing since fuckin sliced bread, he's got fuckin balls.

MW: Alright, then who would be the next one after him

AE: I guess it would be Lederer.

MW: Lederer?

AE: Congressman Lederer, O.K. Next guess is the 2 from Georgia and Talmadge now I don't (IA) with Talmadge, Talmadge has already been talked to you can get

MW: That one I'm surprised at, that guy's gotta be

AE: Now he's reaching out to two, two in Florida and hopefully from California (IA), now the other one would be Frank Guarini the Congressman from New Jersey, Hudson County, he's been that will all be resolved basically after Memorial Day, Labor Day.

* * *

Q Mr. Amoroso, was there another meeting on August 22, 1979?

A Yes, there was.

Q Where?

A At the Travel Lodge International Hotel, room 381, John F. Kennedy Airport, Queens, New York.

Q Who was present?

A Myself, Mr. Weinberg, Mayor Errichetti and Congressman Myers.

Q To your knowledge was that meeting tape-recorded?

A Yes, it was.

Q By what means?

A Video tape.

MR. PUCCIO: Your Honor, I ask in the absence of any stipulation at this point to excuse Mr. Amoroso temporarily and call Mr. Kirk, the technician on the video tape to establish the appropriate foundation for our offer of this recording.

THE COURT: Any objection to that procedure or is there a stipulation?

"Answer: No objection, sir.

THE COURT: All right.

You may step down, Mr. Amoroso. Don't go away.

MR. PUCCIO: We call Mr.Kirk.

N O R M A N T. K I R K, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Norman T. Kirk.

THE CLERK: Please spell your last name.

THE WITNESS: K-i-r-k.

THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Kirk, what is your occupation?

A A special agent with the FBI.

Q How long have you been so employed?

A Nine years.

Q Are you assigned to any particular office within ghe FBI?

A Presently with the Philadelphia office.

Q Were you at any time assigned to the New York office of the FBI?

A Yes, I was.

Q During August of 1979 were you so assigned?

A Yes.

Q Now, what was your duties at that time with the FBI?

A I was on the technical service squad.

Q Now, on August 22, 1979 did you have occasion to be at the Travel Lodge International Hotel, Room 381 at John F. Kennedy Airport, in Queens, New York?

A Yes.

Q And can you explain to the judge and the members of the jury what you did at that room on that day?

A I operated the video tape recorder.

Q Well, prior to that did you make any installation in the room?

A Yes, I did.

Q What type of installation did you make?

A I made installations that would record audio and video on the video tape recorder.

Q So you installed certain electronic equipment in the room?

A Yes.

Q Microphone?

A Yes.

Q Cameras?

A Yes.

Q Now, did you -- did there come a time when a meeting took place in the room in which the equipment was installed?

A Yes.

Q And I assume when the meeting took place you were not in the room; is that right?

A That's correct.

Q Where were you?

A In the room next door.

Q And while the meeting took place what were you doing in the room next door?

A Operating the equipment, the video recorder.

Q Can you explain to the members of the jury what type of equipment you had in the next room?

A The room that I was in?

Q Yes, sir.

A We had the video recorder, had a back-up audio recorder, and we had monitors which you have, similar to which you have placed around the courtroom right now.

Q So you could watch?

A Yes.

And I also had the head sets so that you could listen to what was being said.

Q Now, as a result of -- withdrawn.

Do you have any tape recordings with you today?

A Ys, I do, sir.

Q Do they have exhibit numbers on them that have been premarked?

A Yes.

Q What are the exhibit numbers in their appropriate order?

A One is marked Government Exhibit 5 and then under that it has a longer number.

Do you want that number also?

Q No. Just the government exhibit number is fine.

A Government Exhibit 5 and Government Exhibit 6.

Q All right.

And can you identify Exhibit 5 for us, please?

A Yes. It is an original video tape recording of a meeting at the International Hotel which took place on August 22, 1979.

Q And is that the recording that was made?

A Yes.

Q And what is the next exhibit?

A Government's Exhibit No. 6 is a second recording on the same day at the same motel.

Q Did you make that exhibit?

A Yes.

MR. PUCCIO: I offer the two exhibits in evidence, your Honor.

MR. DUFFY: Your Honor, has Mr. Puccio completed his direct examination of this witness?

MR. PUCCIO: Yes, I have.

MR. DUFFY: May I cross-examine, sir?

THE COURT: You may.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Mr. Kirk, who was in the room with you when you were watching this conversation on the monitors?

A Special Agent John Good was with me.

Q Anyone else?

A There may have been. I don't recall.

Q Were there any lawyers there, any prosecutors?

A I don't specifically recall any prosecutors with us at that time.

Q Was Mr. Puccio there?

A I don't recall him being there, no, sir.

Q Did you, in connection with the two tapes, 5 and 6, prepare a log to show where the tapes went from the time they were made?

Do you have that up there?

A Yes.

Q I'll check that in a moment.

There were two tapes made, two separate tapes, were there not?

A Yes.

Q Was one tape made of a meeting involving Congressman Myers?

A Yes.

Q And then the machine was shut off, was it not?

A Yes.

Q So there was a period of time in the room when there was no video tape running, is that right?

A Well, there was nobody in the room.

Q Well, in any case, the video tape machine was shut off?

A Yes, it was.

Q And then it was turned back on, is that right?

A Yes.

Q And who was in the room when it was turned

back on?

A It was Mayor Errichetti, Mel Weinberg and Anthony Amoroso.

Q As a matter of fact, when Congressman Myers left the room Mayor Errichetti left with him or shortly after him, did he not?

A Yes, I believe that's correct.

Q And the machine was shut off at that time, is that correct?

A Yes.

Q And Weinberg and Amoroso were still in the room, is that right?

They didn't leave?

A You may be correct on that. I am not absolutely certain.

Q I want you to tell the jury.

I don't need to be correct. I want your recollection.

A My recollection is that that would be correct.

Q That two people, Mr. Weinberg and Mr. Amoroso stayed.

However, Iam not certain. My memory is not positive.

Q Well, sir, if we can review -- I thought you said a few moments ago that the machine was turned off and there was nobody in the room.

A I did say that.

Q Do you want to retract that?

A Yes.

Q Now, who was in the room when the machine was shut off?

A Mr. Weinberg and Mr. Amoroso.

Q Are you sure Weinberg didn't leave with Mayor Errichetti?

A No, I am not sure.

Q He might have.

A Yes.

He might have.

MR. DUFFY: May I approach the witness, sir?

THE COURT: Yes.

Q Tell me, where is Exhibit 5, sir.

A Right here.

Q There is a custody control log on this envbelope, is there not, sir?

A Yes.

Q And your name is Norman T. Kirk and it

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Closing Argument of Counsel for Johanson 2379 26/D6

Closing Argument of Counsel for Myers 2426 26/G11

Closing Argument of Counsel for Errichetti 2446 27/B7

Rebuttal Argument of Counsel for the Government 2519 27/G10

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Jury Verdict 2642 29/C1

indicates that on the 22nd you took the original from the recorder and took it to the FBI office, is that right?

A Yes.

Q And every move, woult ib e fair to say, I don't want to waste the jury's time or the court's, unless you have a quarrel with me, every more that this tape made from that day to this is recorded on this log, is that correct, and on the continuance sheet on the back?

A Yes.

Q And even down to this very day?

A Yes, yesterday.

Q You didn't ge: today?

A I took custody of it yesterday.

Q Is the same true of Exhibit 6 which says Norman T. Kirk, original removed from record and taken to FBI office 8-22-79, is that your handwriting?

A Yes.

Q So that when you took this tape from the record -- by the way, for the jury it did not have to be developed, did it?

A No.

Q The tape -- you tape it and then you play it

right back, is that correct?

A Yes.

Q Like we do with the home movies?

A Yes.

Q And every move that this tape has made has been logged all the way down to yesterday, has it not?

A That is the 8-11 at 11:00, and this is the 12th.

Q Where it says trial evidence, is that right?

A Yes.

Q So we can rely on the continuity of possession, the FBI's policies, and you followed it every time that that tape makes a move there is some form of accountability, is there not?

A Yes.

Q And it became accounted for immediately almost after it was removed from the machine, isn't that right?

A Yes.

MR. DUFFY: Do you have any further questions?

THE COURT: Mr. Ben-Veniste, any questions?

MR. BEN-VENISTE: I will be very brief, your Honor.

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CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Kirk, you said you were with the technical services branch of the FBI?

A Yes.

Q Is that the official title?

A Well, they call it squad 14.

They are basically technical services.

Q And you are out of the Manhattan office?

A That was the Manhattan office, yes.

Q And that is the main Manhattan office in the city?

A Yes.

Q And the technical services squad now is basically involved in bugging and recording?

A Yes.

Q Do you have a manual that sets forth the regulation as to how to handle those kinds of bugs?

A I don't have a manual like that.

Q Is there a manual that talks how to handle the evidence, that is, once you make a tape recording or video tape as to what you ouhgt to do with it in order to preserve it as evidence?

A I am not aware of a manual.

Q But there are some pretty strict instructions, are there not?

A There have been instructions that have come out, yes.

Q And you followed those instructions in connection with --

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q -- in connection with Exhibits 5 and 6?

A Yes.

That is the back side.

Q When you made these recordings you had some advance notice of where you were going to go to install your equipment?

A Yes.

Q And were these cameras placed in air-conditioning ducts in the rooms?

Is that how you did it on that occasion?

A No.

Q Where did you put your cameras?

A If I may --

MR. PUCCIO: Your Honor, we object unless it is absolutely necessary.

THE COURT: Do you consider this, quote, absolutely necessary?

MR. BEN-VENISTE: I don't know what Mr. Puccio means by absolutely necessary, but I think the jury may want to know where Mr. Weinberg had to keep the conversation in order for it to be --

MR. PUCCIO: I object to this, your Honor.

MR. BEN-VENISTE: In order for it to be recorded properly.

THE COURT: I don't have an objection unless you are contending it is absolutely necessary.

MR. BEN-VENISTE: I think it is necessary for the jury to understand fully what happened.

MR. PUCCIO: Then I will withdraw my objection.

THE COURT: All right.

Where did you hide the cameras?

THE WITNESS: The camera was mounted in the same room that I was in.

Q I don't understand.

You didn't take a picture of yourself. You took a picture of the people in the next room.

A I said the camera itself was in the room I was in.

Q Did you bore a hole in the wall or use a fake mirror?

A There was hole in the door.

Q In the door?

A Yes.

Q And there was a little pinhole so that the camera could look through the next room?

A Yes.

Q And when the room that the actors were in was being photographed, that only covered a certain area in the scope of the lens of the camera. Is that fair to say?

A Yes.

Q And before you began filming did you instruct Mr. Weinberg and Mr. DeVito as to where they ought to sit?

A Yes.

Q So you were really the stage man insofar as where they would be photographed?

MR. PUCCIO: I object, your Honor.

MR. BEN-VENISTE: The witness is nodding his head, your Honor.

I don't know whether the--

THE COURT: I will overrule the objection.

Is that a fair characterization of what you were doing, Mr. Kirk?

A Yes.

Q So you told him, look, you got to keep the conversation in this particular area, which the jury will see when they seee the video tape, but keep it here in this area and that is where we will be able to get it on the camera?

A Yes.

Q And you told him -- where were the microphones?

You talked about the camera and where were the microphones hidden now?

A Underneath the rug, generlaly in the corner where the rug meets the wall.

Q Were there two separate microphones, one for the video and one for the audio back-up?

A Three microphones altogether.

Q There were three altogether?

A Yes.

Q So it is fair to say that you want to be exactly sure that there would be no way that you would miss any part of this conversation because of the possible malfunction of some equipment?

A There was a back-up system.

One microphone went into the video recorder that would have been generally referred to as a monitor type.

And then there were two microphones that fed into a Cassette recorder. So not to be misleading, there were two systems. One was the video and then there was just an audio back-up.

Q There were two complete systems, so for some reason if one malfunctions, then the words of the actors would be caught on the other system.

A Yes.

MR. BEN-VENISTE: I don't have any further questions.

THE COURT: Mr. Cacheris, any questions?

MR. CACHERIS: None, your Honor.

THE COURT: Mr. Brown, any questions?

MR. BROWN: If I may, your Honor.

CROSS-EXAMINATION

BY MR. BROWN:

Q Good morning, Mr. Kirk.

Mr. Kirk, is it customary for a special agent to make a written report of a proceeding such as you described for this court and jury?

A Not necessarily.

Q Well, is there a form known as a 302?

A Yes.

Q Would you explain what a form 302 is, sir, if you will?

A A 302 is generally a typewritten document that reflects what took place on a certain day or certain time.

Q A particular type of incidence of importance. Would you accept that as the objective of a 302?

A Yes.

Q With respect to these procedures, they certainly were significant and important, were they not?

A Yes.

Q Is it not customary then for the bureau, referring to the FBI as the bureau, that is a common term, isn't it?

A Yes.

Q Is it not customary for the bureau to require a written report from agents who supervise or conduct such significant events such as these?

A I don't know that there is any requirement. I would think it would be up to the discretion of the

person or the agent.

Q Forgive me. I said, isn't it customery was the word I used.

A Customary, yes.

Q It would be customary?

A Yes.

Q Now, with respect to this incident, I take it that you never did prepare a 302 or any form of written report, am I correct?

A No.

I did not prepare one.

Q I did not prepare one.

Q Does the material that you have before you in any form reflect a recitation by you of the events that occurred, let's say with respect to the Government's Exhibit 5, that is the first video tape. Is that right, sir?

A Yes.

You mean did I sit down and record the events that took place as I saw them on the screen?

MR. BROWN: May I approach, your Honor?

THE COURT: Yes.

Q I take it and I am not certain, that the one document in front of you to some degree recites what

happened in terms of time.

Would that be correct?

A Yes.

Q And when I say documents, I am looking at two items and I don't know if they have been marked.

A Yes.

Q Yes, they are.

Exhibit 6 for example and Exhibit 5.

Exhibit 5 I am touching is a video tape with a covering on it that does have writing on it, is that correct?

A Yes.

Q And that relates to the video tape which will be known as 5A, is that correct? Or the transcript which is 5A pertaining to video tape 5?

A I assume.

Q Would that be your understanding?

A I don't know what the transcript is. This is Exhibit 5.

Q I think there is one standing there, staring at you there.

Would you lift 5 so the jury can see what we are talking about?

You have a book, right?

A Yes.

I didn't bring this up here.

Q You didn't?

A No.

Q I beg your pardon.

I show you an item in front of you and ask you if you can identify that as anything familiar to you.

A This is a transcript dated August 22, 1979.

Q And I show you a tab which apparently conforms to the government marking which is Government Exhibit 5A.

A Yes.

Q So when I say 5A, I would ask you to consider this 5A.

A Yes.

Q Would you please?

A Yes.

Q May I put this aside some place where it may be safe?

This is 5 here.

MR. BROWN: May he put it there, your Honor?

THE COURT: Yes.

Q So now we ar dealing with video tape 5.

And you are familiar with Exhibit 5A to some degree I suppose now that you have examined it, is that

right?

A Yes.

Q So that as we examine it together does that 5A, that is the book in here --

A Right.

Q Does that describe what happened in terms of the events of August 22, 1979?

A Well, I see it as a transcript of the conversation.

Q But there is at the top, is there not, some data reflecting persons present and time and place, is that right?

A Yes.

Q Now, with respect to 5, which is the record that you made, I understand, is that right, in part at least?

A Yes.

Q There is a writing on here that refers to the people whjo are prsent, and they name all except I see -- they name everybody who is on 5A, is that right?

A Yes.

Q Now, could you tell us, sir, in terms of the time, August 22nd, at 12:13, whether or not that

Is the time you first commenced the video tape, please?

A I don't know if that is the time it began or not.

Q Now, looking at 5C, to some degree has a made by you, would that tell us when you commenced the video tape?

A No, it wouldn't.

Q Do you have any record, sir, which would refresh your recollection as to the time the video tape was actually started?

A Well, not here, no.

Q Well, is there a place where there is a record which would indicate?

A Ys. It would be on the tape.

Q On the tape itself?

A Yes.

Q Now, then, if you look at 5A, it seems to give a time, 12:13, and you ay you can't affirm or deny whether that is the accurate time?

A I cannot.

Q If you examine 5A and go down a bit there is a preamble?

A Yes.

Q Would you examine that for a minute, please?

A Look at the preamble?

Q Would you please, yes.

A Yes.

Q Now, Mr. Kirk, you had the opportunity to examine the preamble to the writing which is set forth on 5A, which is before you, is that correct?

A Yes, I have read it.

(Continued on next page.)

Q Now, tell us whether or not from your recollection without referring to the tape if you can, whether or not the preamble describes action that was taken prior to Mr. Errichetti's entering the room, which I think is No. 381. Is that right?

A Yes.

Q You were in 380 or 379, one or the other?

A Yes.

Q Which one? Any recollection?

A I am not really sure.

Q Not your recollection, but one side or the other?

A Yes.

Q So when I talked about 381, you are aware of the preamble as I pointed it out to you, is that right?

A Yes.

Q Now, with respect to the preamble, can you tell us whether or not you photographed the happenings in the peamble? By photograph, excuse me, I will withdraw it, video tape.

Did you video tape the happenings in the preamble?

A I believe so, yes.

Q Now, was there an interval between the

video tapings of the happening in the preamble and the happenings beginning with the conversation where it says U.M. on Exhibit 5 before you?

A I don't specifically recall whether there was or was not.

If I had to say yes or no I would say there probably was.

Q I would not like you to say that, sir.

I think you can only give us your recollection.

A Probably.

Q It would be probable that ta first you photographed that preamble, right?

A Yes.

Q And then there would be a time interval, and then in would walk Mr. Errichetti and the other persons who are subsequently recorded, would that be right?

A I think that would be.

Q Now, is there any record made, either on the tape or in writing, which would indicate the time span between the preamble, the setting up the actions as described to Mr. Weinberg -- the preamble describes Mr. Weinberg, is that right?

MR. PUCCIO: Amoroso.

Q I will stand corrected as you tell me, which would it describe?

A It would show the speaker was Mr. Amoroso.

Q Was Mr. Weinberg present, if you know, at the preamble now?

A I don't recall.

Q Would there be a record that would tell us whether or not he was present?

A Not to my knowledge, no, sir.

Q And would there be a record which would show us the time lapse between the preamble and the entrance of let us say Mr. Myers and Mr. Errichetti?

A Well, it would be on the tape.

Q It would show the actual time gap?

A Yes.

I had one piece of equipment and I guess I failed to mention it. We had a date-time generator.

Q That would show where? Where would that show, Mr. Kirk, so the jury can be guided, please.

A In other words, each second that lapsed, this would show on the tape, the date of the recording and the time down to the second.

Q Like a digital clock?

A Yes.

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Q So at the bottom as the jury looks at it there would be these times turning over, is that correct?

A Yes.

Q So the only record we have would be that, and that video tape would show if there is a gap between the time Mr. Amoroso in that preamble does things with an envelope, and the time when other people come in, specifically Mr. Errichetti and Mr. Myers, is that right?

A Yes.

It would show the times.

Q Fine.

Now if there was a gap and if you can recall, do you know whether the camera remained trained on the objects which are within the preamble or whether it was turned off or is there any record of that?

A There would be no record of it to my knowledge.

Q I see.

Now, when the final -- you also testified as to a second sequence which would have been somewhat later on the same day, is that right?

A Yes.

Q And you testified that at that time as best as you recall some people left the room and some remained?

A Yes.

Q Would that be correct?

A Yes.

Q Do you have any recollection upon which you can rely as to what people left the room?

For example, did Mr. Errichetti, my client, leave the room after that first video session where Mr. Myers was present?

A I cannot be positive.

Q Could not be psoitive?

A No.

Q Is there any,sir, to your knowledge, any record like a 302 that would have described the events in any detail?

A I don't know if there are or not.

Q Can you tell me whether or not it is customary in such situation for one agent to be in charge so that he is responsible for any customerary reporting like the 302s we talked about?

A Yes.

Q And if so who was the agent in charge during these two episodes, if you will?

A It was Mr. John Good.

Q Mr. John Good would have been in charge?

A Yes.

Q And he was the gentleman in either 380 or 379, is that correct, with you?

A Yes.

Q And was Mr. Good directing the events which transpired in these two episodes, sir?

A I don't particularly recall him directing anything.

He was there with me in the same room.

Q Would it be customary to call him the agent in charge at the time or whatever term there is?

A Yes.

Q You would call him that?

A Yes.

Q Now, I notice that at the beginning of -- well, let me withdraw that.

You will find in the book before you 6A, sir. The tab will be 6A. You have testified to the video tape relevant to that.

And the video tape relevant to that is on the right-hand side marked 6, it is up on the left with your Honor's permission.

Right?

A Yes.

Q Did you notice at the beginning of this second episode, 6A, that there is a note that the telephone rings? You may examine it, if you will. I think it is reflected in the script, Mr. Kirk, at the top of 6A, sir.

A 6A?

Q Yes.

A I think it says that, does it not?

A On the first page I don't see anything to that effect.

Let's see, on page 2 it shows at the very top, page 2.

Q The phone rings on page 2.

A Yes.

Q Is that it?

A Yes.

Q Is that what you observed?

A Yes.

Q Tell me, was that Mr. Good calling in or you don't know?

A I don't know.

Q Well, did you observe Mr. Good calling or someone calling in to him from among the agents that were working on these episodes?

A I don't know. I have no idea.

Q It could have been?

A I don't know who it was, no, sir.

Q To your knowledge --

A I don't know who called in or I don't know who answered the phone either.

Q Well, you are a special agent of the FBI, not just a technician, aren't you, sir?

A Yes, that's correct.

Q And you are rather famous in your training in powers of observation, aren't you?

I mean, the bureau, isn't that so?

A I don't know.

I suppose investigative matters, yes, sir.

Q Wasn't this investigative matters?

A Yes.

Q Well, sir, do you recall whether or not from one room, whethert it was 380 or the other room, 379, whether there were phone calls made back and forth with respect to directions or anything at that time?

A I don't recall any specific instructions one way or another.

Q Your job was just to keep that camera through that pinhole, right?

A That was my basic job, yes.

Q Now, do you know if qny effort was made or any equipment was installed to follow the actions of anyone who left the room of 381?

A No.

I don't know if there was or not.

Q Your cameras certainly didn't have the capability?

A No.

Q None of the equipment that you personally operated, is that right?

A That's correct.

MR. BROWN: Thank byou very much.

THE WITNESS: Yes.

THE COURT: Does the camera show the entrance door into the room?

THE WITNESS: No, it did not.

MR. BRONW: Your Honor, would you permit me to -- have you finished, I'm sorry, sir?

THE COURT: I'll be through in a moment.

MR. BROWN: Thank bou, sir.

THE COURT: With respect to Exhibits 5 and 6, are they the original tapes as you recorded them?

THE WITNESS: Yes.

THE COURT: Have they been edited in any way?

THE WITNESS: Not to my knowledge.

THE COURT: You may continue your cross-examination, Mr. Brown.

MR. BROWN: Forgive me, your Honor. I should have realized that you had not finished.

THE COURT: It's all right.

I don't think as quickly as trial lawyers do. My questions don't come that quickly.

MR. BROWN: Apparently they are more cogent that way.

THE COURT: I doubt that.

CROSS-EXAMINATION (continued)

BY MR. BRONW:

Q Mr. Kirk, forgive me, I have been permitted to open my cross-examination. I have only one or two questions.

Do you have any recollection of Mr. Weinberg's movements during these episodes, that to say, whether he went downstairs to talk to Errichetti during the preamble or whether at any time he left the room with Mr. Errichetti?

A I don't specifically recall that.

Q You don't. Thank you, sir.

THE COURT: Any redirect?

MR. DUFFY: May I ask one question, sir, that is prompted by this cross-examination?

THE COURT: Normally I go right around in circles. We have had four cross-examinations -- three crosses.

It is time for redirect and then we will get to recross.

MR. PUCCIO: I don't have any redirect, Judge.

MR. DUFFY: I can get Mr. Cacheris to ask my questions.

THE COURT: You are on, Mr. Duffy.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Mr. Kirk, Mr. Brown asked you from -- about telephone calls made from the control room where you were to the staging area, and I think you said you didn't know if a call was made by agent Good into the room where the actors were being filmed, is that right?

A I don't know.

Q Tell me this, sir:

If a phone call had been made from the room

where you were in to the stage area, did you tape it? Was it recorded at all?

A No.

Q There is no record, no monument, nothing that you can give me that records a phone call from your room into the other room, is that right?

MR. PUCCIO: I object, your Honor.

THE COURT: What ground?

MR. PUCCIO: I object on the ground of relevancy. There has been no -- and as to form.

THE COURT: Overruled on both grounds.

MR. PUCCIO: I will withdraw it.

THE COURT: You are too late.

Q Can you answer the question, if you understand it?

A No, there would be no recording that I would have made.

Q Thatanyone would have made. You were in the room, is that right?

A Yes.

Q Did anyone make a recording of any phone calls going into or out of the room in which you were situated?

A Nobody in my room made a recording of such

a call to my knowledge.

MR. DUFFY: Thank you.

MR. BEN-VENISTE: Only one other question, your Honor.

BY MR. BEN-VENISTE:

Q With respect to the equipment that you are familiar with on the technical services squade, in addition to video tape of equipment that you testified about, and audio equipment --

MR. BEN-VENISTE: May I show the witness Exhibit 16, please.

Q Audio equipment put in a briefcase such as this, Exhibit 16, which included a Nagra recorder, there are other kinds of recording devices that are utilized, are there not, sir?

A With that particular briefcase?

Q In general, to record conversations.

A Yes.

Q For example, if I wanted to record my conversations with you right now, there are devices that can be hidden on my body which the average person would not be aware of that could do that?

A Yes.

Q And indeed one of those devices is a Nagra

recorder, a small self-contained recorder, a recording device?

A Yes.

Q And you had those devices at your disposal on the 22nd day of August of 1979, did you not?

A I didn't have any with me no, sir.

Q I am not talking about with you.

A I didn't have any at my disposal, no.

Q The FBI had them with them. It is not something invented since then, is it?

A That's correct.

Q Do you know whether Mr. Weinberg used or asked for one of these self-contained body recorders to use when he went downstairs to talk to Mr. Errichetti?

A No.

MR. BEN-VENISTE: I have nothing further.

THE COURT: Any other questions for Mr. Kirk?

MR. PUCCIO: I have a couple of questions, Judge.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. PUCCIO:

MR. PUCCIO: May I have this marked, sir?

THE COURT: How long will you be, Mr. Puccio?

MR. PUCCIO: A couple of minutes.

THE COURT: All right.

THE CLERK: Nagra recording device marked as Government Exhibit 17.

MR. PUCCIO: May I show it to the witness?

THE COURT: Yes.

Q I hand you this.

MR. DUFFY: May we get that number?

MR. PUCCIO: 17.

THE CLERK: 17.

THE COURT: 17.

Q Would you tell us what that is, sir, please?

A It's a Nagra recorder.

Q Of the type that would go in the briefcase that is on the table?

A Yes.

Q How long does that run before the reel on it has to be changed with a new tape?

A You can get a maximum of two and a half hours.

Q And is that the type of Nagra that would be

worn on someone's body?

A It is generally the type that is used, yes.

MR. PUCCIO: I have no other questions, your Honor.

THE COURT: Any other questions?

MR. BEN-VENISTE: No, sir.

THE COURT: Any objection to Exhibits 5 and 6?

MR. BROWN: I was not fast enough for a reason I think you are aware of, Judge. I wanted to ask just one question about the Nagra, may I from here?

THE COURT: Yes.

RECROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Kirk, you said that that item before you -- what is it marked?

A Government Exhibit 17.

Q Thank you.

Government Exhibit 17 is the kind that is worn on a body apparatus?

Is there a technical word for that? What is it called?

A I have heard it called a body recorder.

Q Would that be fair?

A Yes.

Q Now, with respect to a body recorder, could a person put the same unit on, Government Exhibit 17, and use it as a body recorder as convertible from the unit that would be in the suitcase like this?

I am calling it a suitcase for lack of a better term.

We have been told this is a unit commonly used and has been used with that same Nagra.

A Yes.

Q Is that right?

A Yes.

Q Would there be any problem for a person who cannot take this with im for the purpose of concealment, of course, to put that in a body unit and walk around with it?

And when I say that I am talking about Exhibit 17.

A If I understand what you mean, this could be worn hidden on a person's body and be used to make recordings, yes.

Q What I mean, to be more precise, is this -- would you know how to open this?

You have probably used this particular one.

A I guess I can open it.

Q Thank you.

I didn't want to break the thing. I have an ability to do that.

THE COURT: You are referring now to Exhibit 16?

MR. BROWN: Yes, your Honor, Exhibit 16 for identification.

(Pause.)

Q Well, just forget it, Mr. Kirk. One of us may break it.

A You do it.

Q I will not do it.

A You are better on it than I am.

Q I will not.

In this thing we have been told, unit 17 -- which you have, was put in that thing and it picked up conversations.

A No.

Q And it was in here when it picked up conversations.

A I don't know that.

Q That is not within your technical field.

A I could do it if I had to, but I was not responsible for anything like this being placed in that briefcase.

Q I am certainly not attempting to hold you responsible.

I said the best inforamtion we have today is that such a unit, No. 17, was in 16, and that it picked up conversations?

A I have no direct knowledge that it was.

Q Do you have knowledge that such equipment would wrk in that fashion?

A Yes.

This recorder should work in that one without any problem.

Q Now, could it also be put on your body if you could not walk around with this because this man might notice?

A Yes.

You could put this recorder in this briefcase and use it and you could wear it on your body.

Q Tell me this, if you know: Could you just shove it in your pocket or could you put it -- could you put it on your body with a special thing?

A It's up to the individual. You will want

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to put it on the person so that it is best concealed and also so that you can get a good recording.

Q Right, that could be in your hip pocket, breast pocket or specially strapped, it would pick it up?

A If you have the microphone shoved in your pocket, I don't know what recording you will get.

It will probably pick up the audio or the conversation.

MR. BROWN: I am approaching for the purpose of demonstration, your Honor.

THE COURT: Yes.

Q Suppose you and I are in conversation and I guess we are lounging on a boat, wouldn't you pick up what I am saying if you had that on you somewhere?

A Sure.

MR. BROWN: I have no further questions. Thank you very much, your Honor.

MR. BEN-VENISTE: May I, your Honor, or does Mr. Puccio have anything?

MR. PUCCIO: I have no further questions.

MR. BEN-VENISTE: Mr. Brown's mind is so fertile.

MR. BROWN: Never mind, your Honor.

RECROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q This Nagra recorder is a Swiss-made precision instrument, is it not?

A Yes.

Q It is extremely expensive, is it not?

A Yes.

Q In fact you can't buy something like this in the United States, it is something that the Intelligence Agency kind of have a corner of the market on?

A I don't think so.

Q Okay.

And the two and a half hour tape, the capability, although it is a small recorder, you indicated you could record a conversation for two and a half hours?

A Yes.

Q In terms of the pick-up and fidelity, it is super, isn't it?

A It is pretty good, yes.

Q And if we are sitting here and there is some noise going on over where Mr. Puccio is sitting or somewhere in the courtroom, it is not going to drown out what happens between you and I?

A That's a very iffy qustion. You could. It all depdnds on how loud you are talking and how loud the noise is.

Q If we are talking and say a motor is running over there --

A It could make it tough to understand.

Q You have the ability to --

A Generally speaking if you ar standing here talking and there is something going on in the back of the room, generally it should be okay.

MR. BEN-VENISTE: Nothing further.

THE COURT: Any objection to Exhibits 5 and 6?

MR. BEN-VENISTE: No objection at all.

MR. BROWN: None except heretofore expressed, your Honor.

THE COURT: All right. Those are over-ruled.

5 and 6 are received in evidence.

I think byou propose to play them now?

MR. PUCCIO: I have a few more questions of Mr. Amoroso, your Honor, and I would ask him to take the stand again.

* * *

(After the recess.)

THE COURT: Bring in the jury.

ANTHONY AMOROSO, having been previously sworn, resumes the witness stand and testifies further as follows:

(The jury enters the courtroom.)

THE COURT: We had interrupted the direct testimony of Mr. Amoroso in order to hear from Mr. Kirk. We have now finished with Mr. Kirk, and we are back to Mr. Amoroso.

You may proceed, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO, CONTINUED:

Q Mr. Amoroso, did you have anything in your possession prior to the meeting on August 22 , 1979 at the International Hotel?

A Yes, I did.

Q What did you have in your possession?

A I had a briefcase containing $50,000 in cash.

Q And did that remain in your possession throughout the meeting?

A Yes, it did, until I turned it over.

Q Who did you turn it over to?

A Mr. Myers.

Q Now, was a transcript prepared of this videotape

meeting of Congressman Myers, Mr. Weinberg, yourself and Mayor Errichetti?

A Yes, it was.

Q And did you participate in the preparation of that transcript?

A Yes, I did.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibit 5A. Would you identify that, please?

A This is the transcript that I participated in completing.

Q And is that an accurate transcript of the meeting?

A To the best of my abilities.

Q Now, after the meeting with Congressman Myers and Weinberg and you and Mayor Errichetti, there was another meeting?

A Yes.

Q Is that right?

A Yes.

Q Approximately how long after the first meeting was the second meeting?

A I would say within fifteen to twenty minutes.

Q In any event, it would be indicated on the videotape; is that right?

A Yes. When one terminated and when one continued.

Q Now, was a transcript prepared of this second meeting?

A Yes, it was.

Q Was this second meeting held in the same room?

A Yes, it was.

Q And who was present at the second meeting?

A Myself, Mr. Weinberg, and Mr Errichetti.

Q Just the three ofyou?

A Yes.

Q Now, Ishow you -- Iask you to look at Exhibit 6A, Government's Exhibit 6A for identification. What is that, sir?

A This is a transcript that I participated in completing of that conversation.

Q Is it an accurate transcript of this second meeting?

A Yes, it is, to the best of my ability.

MR. PUCCIO: Your Honor, I offer into evidence Government's Exhibits 5 and 5A, 6 and

6A.

THE COURT: I think we have already covered 5 and 6 , and I have ruled on those. They are received in evidence.

With respect to 5A and 6A, are there any objections?

MR. BEN-VENISTE: I will defer to Mr. Brown for voir dire on those.

MR. BROWN: May I?

THE COURT: Proceed.

MR. BROWN: Am I always required to go to the podium or from here?

THE COURT: If you are there, it's all right, or at the podium.

MR. BROWN: Thank you.

VOIR DIRE EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, with respect to 5A, you see the preamble there, do you not?

A Yes, I do.

Q And you relate it to the videotape; is that right?

A Yes.

Q When you told Mr. Puccio a few moments ago

that you went there with a briefcase, the preamble describes that. Is that right?

A The preamble doesn't describe I went there with the briefcase. It describes that I was there and Iplaced an envelope in the briefcase.

Q Now, when you did all of that, was there a time gap between doing all of that and the greeting of your guests, Mr. Amoroso?

A Yes, there was.

Q What was the gap?

A I don't know. It should be recorded on the tape.

Q You have no knowledge either but it should be recorded?

A The exact time, no.

Q Now, you said between the meeting described in 5A?

A Yes.

Q The transcript?

A Yes.

Q And the meeting described in 6A, the transcript, there is a gap of approximately fifteen to twenty minutes; is that correct?

A Ibelieve so, but the tape will show whether

one terminated and when the next one began.

Q I understand. And whendid the 6A begin, according the the transcript?

A 6A?

Q Yes, sir. That's the transcript, the script of the second meeting?

A 12:49 P.M.

A All right. And you have no knowledge as to when the script, the videotape --

MR. PUCCIO: Your Honr, this item has been referred to as a transcript and if there is a different word used, I will object to it.

MR. BROWN: Why? This is the English language I am employing. It's a script, an English language.

THE COURT: It is a script or a record of what happened there?

THE WITNESS: it's the record of what happened, your Honor.

THE COURT: The correct English term is transcript, based on the evidence thus far before the Court.

MR. BROWN: Yes, sir, your Honor, thank you.

Q So this is a transcript as opposed to a script, as to what was going to happen, an outline of what was going to happen.

A That's a transcript.

Q That's your distinction.

THE COURT: It's my distinction.

A This is a transcript.

Q Why do you object to my calling it a script and persist in calling it a transcript?

MR. PUCCIO: I object.

THE COURT: I don't recall the witness making an objection.

MR. BROWN: It's he who corrected me in calling it a transcript.

THE COURT: The objection is sustained to the question.

MR. BROWN: Thank you, your Honor.

Q With respect to the writing you have before you, fA, for example, it begins at 12:13. Is that right?

A Yes.

Q And is there any indication, sir, when it ends, or do you have any knowledge?

A Not on the transcript, no.

Q So it would be the ending of that with a

delay in time and then the starting of 6A?

A Yes.

Q And you described that as fifteen to twenty minutes, the ending of the first and the beginning of the second?

A Yes, to the best of my knowledge.

Q With respect to this, sir, have you prepared a 302 with respect to the times and circumstances?

A The time between one ending and one beginning?

Q Or reciting the events of these two episodes.

A No, I did not.

Q No written report whatsoever?

A No.

Q I see.

So with respect to the movements of Mr. Weinberg and yourself and what happened, there is no 403 reports; is that correct?

A No, sir.

MR. BROWN: Thank you, sir. With those questions, your Honor, I have concluded my examination.

THE COURT: Any objection, then to 5A and 6A?

MR. BROWN: No, your Honor.

* * *

[Exhibit 5A: Transcript of
Videotape Exhibit 5]

Date: August 22, 1979

Time: 12:13 PM

Place: Travelodge International Hotel, Room 381
John F. Kennedy Airport
Queens, New York

Participants: MEL WEINBERG (MW)
MICHAEL MYERS (MM)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)
Inaudible (IA)

TD: My name is Anthony Amoroso, Jr. The location is the Travelodge International Hotel at John F. Kennedy Airport, Room 381. In a short period of time I'm expecting, ah, US Congressman MICHAEL "OZZIE" MYERS and ANGELO ERRICHETTI. Placed in front of me is fifty thousand dollars in one hundred dollar denominations - ten packages in all. Placing them in an envelope. I'm not sealing the envelope. Placing the envelope in briefcase to my immediate right.

MW: OK thats it. - Don't, don't move that -

TD: How ya been?

MW: OK how about yourself?

TD: Not bad, not bad.

MW: Good.

AE: Ozzie's the Congressman from Philly as I told you about.

TD: Right.

AE: The leader of the Philadelphia Delegation which consists of six Congressmen. Thats, thats six right there - you talk about yourself.

MM: Well...

AE: Your not bashful. (Laughter)

MM: ...My position is, I'm now in my third term in Congress and because of two of our senior members were defeated, I'm now the leader of the delegation, and the delegation is four members actually in Philadelphia County and then we take in two Southeastern Counties - both Democratic seats in Southeastern tip of Pennsylvania, a six member delegation. And, uh, we're team players, ya know, we work together. We have very important committee assignments. One of our members is on the Ways and Means Committee. I will be going on the Appropriation Committee. We have another member on the Budget Committee. So we have influence. Ah, also, we have representation on the Judiciary Committee from our state, uh, which is very keen with immigration matters. And, uh, we work together. We have a twenty five member delegation from the state. Uh, we're about, now, I guess the sixth ranking member on the Democratic side. And, uh, we use our influence, uh, cohesively, unitly, we work together as a team. I'm basicly the spokesman for the Southeastern region. And, we put together our deals on how we're cutting things and ah, you know, all we have to do with the administration or against the administration to get our point across. And that's basicly where it comes down from you know.

TD: Alright.

MM: It's based upon overall power within the committee structure..

TD: OK, what, what I'm really interested in is you tellin', explaining to me how, uh, through your position, OK, uh, we can insure - I'm sure the mayor's explained to you - in fact that's this all started is that, we, ah, ANGELO was down on, uh, on our boat and uh, we were discussing some of the world situations and how some of these, uh, political leaders, have, uh, you know, had to take off from their various countries and, he, ah. And what's, ah, wha-what became very prominent was the fact that, uh, this government was talkin' about, at one time, or it appeared in the newspapers, lets say...

MM: Um, hmm.

TD: ...that they were gonna expel the guy and send him back, right? We're talking about Sermosa (PH), right? They were talkin about sendin' him back. OK, now this, this creates, ya know, a lot, ah,

MM: Well this is where, this is where...

TD: Controversy.

MM: Absolutely. Where I could be of assistance in this type of a matter, first of all, is private bills that can be introduced. Now, when you, when you're coming from a third world nation and you have no political support in this country - unless somebody's insane, you don't, need, uh you wouldn't introduce a bill to protect your interest if you had to go in exile somewhere. Now, what ya need is the influence to have that done. And, if, if nothin' more you could drag it out for years yust fuckin' with the bill. OK? As far as keeping somebody here if I wanta keep somebody in the country, all I do is introduce a private bill. And then we go through a whole process of hearings and we drag it out as long as we want. And, auh, in that - first of all getting that done is, auh, just, it's, it's unheard of. When your talking about somebody of notoriety that, uh, you know, my make a splash when they come to this country. But you need friends in the right, in the right areas, and the way to do it is the way we do it with block, block strength.

TD: OK.

MM: Uh, as an individual I have one vote before that Congress. But, as a leader of the Philadelphia delegation I control four and then six when we go into state matters. So, that's where the importance is. And we tie up - our delegation ties up with Ohio and we have our own group that hang together. And, uh, that's where we use our influence.

TD: OK.

MM: Now, we got something special that we want here, some special consideration for - we take it right to the chairman of the, uh, Judiciary Committee on a matter like that. You, know, when, when the, the whole voice speaks, it's not like me goin' tryin' to make a deal as an individual. I include my whole group when I, when I move. You know, ah,...

TD: And they'll, in other words...

MM: They'll back me up one hundred...

TD: These guys will back you up and they won't,the won't...

MM: ...one hundred percent.

TD: ...get you into any problems. OK. Now aside from introducing, ah, a bill like that, uh, are there any other moves that, that...

MM: Sure.

TD: ...You can, you know like, you know, I, if you wouldn't mind, you know, explain to me - I'm sure you, through the State Department, ah,...

MM: We have very -

TD: ...you have your connections.

MM: Absolutely.

TD: Through the State Department, and what not, but what would be the procedure that you, you know, you...

MM: Well, you know, ah, each case of course is weighed upon its own merit. It's hard to talk a off - to - wall case. The circumstances certainly mean a lot on, on any case. But, the key is having the right people being able, in the right positions, to try to help you within the State Department. Now, we use all sorts of co, connections in the State Department. People that we deal with on a, on a other basis. You know, some delegations who have key members that are involved

MM:CONT'D: with State, ah, are interested in something from the Appropriations Committee. Where they need funding for a damn project in their state or where ever. There's a million deals, ya know, it's, it's a trading game down in Washington, and this is the way it's done. And that's ah, you know, being, going on the Appropriations Committee in January, this is, makes me very important.

AE: Strong position.

MM: So we got, we also got a Ways and Means member. Now the Ways and Means Committee is probably the most powerful committee in Congress. And its my close colleague and one of our Philadelphians.

MW: We - then we can assure Yassir that he'll have no problems?

MM: Well, let me say this to you, I can, I'm gonna tell ya right now, without any quims (sic) about it. With me in his corner, his chances are one hundred percent better than they would be without somebody like me in his corner.

TD: In other words...

MM: First of all...

TD: ...that's a guarantee is what your tellin' me it's...

MM: Well, what I'm tellin' ya is...

TD: ...a hundred percent.

MM: ...its a hundred percent better than without me is the point I'm making to you. When I go to my colleagues, OK? And, uh, they respect me, OK? Knowing where I'm coming from, OK? We deal and that's, that's the what we got.

TD: Alright. So -

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MM: But, ah, the point I'm making to you, without someone in my position, OK? Your in, believe me, you in, your, your in deep trouble. People wouldn't even want to deal wit' ya. You gotta use inside connections to make connections.

TD: Well, that's why we, that's why we're puttin' up this kind of money. Alright?

MM: Absolutely.

TD: Uh, if, uh, if we could do it without, you know, somebody like you, as my friend would say, that's, that's the end of that that...

AE: That's the end of the conversation. (Laughter)

TD: ...conversation.

AE: There's no fuckin around you know.

TD: You know. That would be the end of the conversation. But, uh, what your tellin' me is that you got the clout then to introduce legislation...

MM: I got the clout to introduce legislation.

TD: That...

MM: Let me just say this to you.

TD: That, apparantly, that's no problem. You can introduce any kind of, any kind of bill.

MM: We can introduce the bill, sure. To, to grant somebody - but,...

AE: You've got a friend.

TD: Huh?

MM: The thing is, you got - Let me just say this to you - until you could work some kind of an arrangement out. OK? If, lets say it was a hostile situation. And, uh, someone had to come to America to stay. And wanted to stay here.

TD: Right.

MM: Uh, first of all, to get into the country you'd have to have a bill introduced. Once you got here, you, you, you'd arrive on your own, then there'd be a bill introduced into the committee and the committee would hold hearings and go over this. Now one of the keys is time at, at this point of time. Until you can resolve the differences within the State Department. And time in these kind of situations usually heal all wounds. After the, the smoke clears and a year or eighteen months pass, your in a much better position to be dealing. And that's the point I'm making.

AE: Well lets get the (IA).

TD: Well, I don't, I'm not, yo-you know, we talked a little bit about it. But, I don't know of what the case is, that

AE: Well, there is no case at this moment.

TD: Uh, well, yeah, what were sayin is we're insuring that when, when...

MM: When the time comes, if it comes...

TD: When the time comes, yeah, when, when this thing occurs, OK? Gonna come to you and say, hey, here's, here's the guy. He'll, he'll be here. OK?

MM: Yeah.

TD: And, then, from what you, is your gonna introduce a bill, OK? To get him, once he's here, right?

MM: Yeah.

TD: He has to come from what I gather now, he doesn't need any kind of State Department clearance to come in here. Just a passport...

MM: Well, uh, uh, he, let, let me just say this to you. There's a lot a ways he come, depending if you can get, if he's coming as a visitor and he wants to stay awhile, and he gets a he gets a State Department clearance and he...

TD: Right.

MM: ...comes into the country. All well and good. He can stay here, ah, probably up to three years with that. It's depending on how you arrive.

TD: OK.

MM: Now, if you arrive under, if, if the government collapses or something like this and you got, you know, depending on what our relationships are with that individual government, on how they treat it. Now, if it's, if it's not a, a volitile situation, it, it, it may not even be necessary to introduce a bill. But I'm saying to you - there's a lot of ways to get here. Once your here, then...

TD: What...

MM: ...they got to get you out.

TD: ...what, what I'm, what I'm getting at is let's take, let's take it as the worst possible situation...

MM: OK.

TD: ...that we can have it. Alright?

MM: Yeah.

TD: You know, I want, I want, I want it covered from the worst situation figuring that anything else, any other situation...

MM: Is (IA) -

TD: ...is, is better. Is, auh, is in our favor. OK? whatever you could concieve...

MM: (IA) the worst.

TD: ...of as bein' the worst possible situation for this guy comin' in, auh that's what I want to know how you would how you'd work that...

AE: He has to put a bill in.

MM: I'd have to put a bill in at that point. First of all, he'd have to arrive here.

TD: OK.

MM: Whether he did, uh, whether he snuck into the country - once he gets here. Now, you know, and, and the State Department moved to, to remove him. At that point in time is when I introduce a bill to stop that procedure.

TD: OK.

MM: And then we have to go through a hearing process and this is where we buy the time that we need to try to work out these problems. Now, I can't go into all details on problems because I don't know what they are at this point. It may be a simple thing. It may be more difficult. And, you know, we'd have to, we'd have to cross that bridge basicly, when, when we get to it. But the initial step is...

AE: Basicly, what he wants from you the assurance that you're in the man's corner

MM: I'll and uh, I'll be in the man's corner a hundred percent and I'll deliver a lot of other prople in his corner - just because of me - as the leader of the Philadelphia delegation. And, ah, we would use our influence as a delegation, through me. Now, without this introduction to the delegation through a member, you would - they wouldn't even want to talk with ya first of all.

TD: Right.

MM: But, I'm here, you know, because I know the kind of people I'm dealing with...

TD: Right.

MM: ...and that's the main reason I'm here.

TD: Yeah, well, hey -

MM: You know, and I'm looking to be,ah, be your freind. And that's the reason I made the trip up here today.

TD: Alright, well, you know, that's auh, that sounds, ah, very good. Now what, let me ask you something else. Is there, you say your, your delegation ...

MM: Pennsylvania delegation.

TD: O.K., will, will back anything...

MM: Well, let me just say this. I couldn't speak, you know, one hudnred...

TD: For everybody, OK.

MM: ...exactly.

TD: Well, you must have a couple that you can...

MM: I can speak for the Philadelphia delegation...

TD: OK

AE: That's six

MM: ...and the southeastern regions. Now, we tie into the rest of the state delegation.

TD: Right.

MM: And we put together our own package and we move as a team. But, now, you may have defectors, depdnding on the matter. You know, that, that's, there's no way to handle that.

TD: The only one I don't want to defect is you.

MM: Well, you don't have to worry about me defectin'.

TD: OK. (Laughs) that's the one we, I want to keep happy. Now - auh, we-would it be to our advantage, now you know more about it than I do, is to, auh, possibly get together with another, auh, another person in your position from another state to, ah, you know to in other words, when, when you introduce it, to, to...

MM: Have another friend?

TD: ...to augment, auh, your...

MM: Yeah, I think, sure.

TD: ...your end of, of this thing, and ah, you know, and, and boost us along?

MM: Yeah. Let me...

TD: There, there's a lot of money in this, OK?

MM: Un hm.

TD: And, we, I work for two different people right now. OK? Two different Arab groups. And, they're highly interested in this because of, you know. Listen, they got tons of money and they want to insure that, wherever they go

MM: I understand.

TD: They're goin' to make it right if, if it looks like a real promising thing there, uh, you know, we've got the promise of like eight or nine more of these people wanting to, to get involved in this thing.

MM: Un hm.

TD: OK? And, you know, your talkin' about a lot of money, OK?

MM: Tony? You goin' - let me just say this to you, your goin' about it the right way.

TD: OK.

MM: I'm gonna tell you somethin' real simple and short. Money talks in this business and bullshit walks. And it works the same way down in Washington.

TD: OK.

MM: And these guys, you know, once they know they're covered and they're comin' to deal with the right people, that's the key. I have all sorts of people comin' from the middle east and the OPEC countries that want to make deals and want to buy a little security here. But, who the hell knows who your dealin' with?

TD: Yeah.

MM: I can't deal with with, a, a, a, an average guy on the street or someone (IA)...

TD: No, hey, I don't, I don't blame you.

MM: ...unless they come high-highly recommended that's ah.

TD: Right, you'd only be an asshold if you were. Right? And I agree with you.

MM: As you know, as you know there's a lot of money over there and its controlled by small groups of people.

TD: Right.

MM: OK. These small groups of people are looking for the future and, and I don't blame them. They're tryin' to protect their own interest. And I, I know all sorts of little operations such as we're talkin' about now. But, the key is you got to deal with the right people. Because, in, in this day and age people are afraid to talk. And that's, uh...,

AE: You're sittin next to one. (Laughs)

MM: I feel very comfortable here because he's here. That's the only reason I'm here.

TD: I.wouldn't, hey I wouldn't.

MM: Well I, I'm makin' a point, ya know, that, ya know, there's a lot of, lot of action there if you know how, if ya, have the right connections.

AE: We'll work together we'll work the rest. We'll talk about it.

TD: Huh?

AE: We'll talk about it.

MM: The right connection. I got a lot of guys who is willin' to do business...

AE: Different states.

MM: ...you know work with you. Different states. Guys who keep committees. Guys right on the Judiciary Committee. You know, key people, key staff guys show ya how to stall things, lay things out. But each case, ya know, you just have to have these people there. And if ya have to call upon them, you, ya wanna be able...

TD: Well...

MM: ...to, bingo.

TD: ...Uh, you mentioned the State Department. Uh, do you have anybody in the State Department that we could go to just to insure that when this guy's ready to come or any of these guys would be ready to come that, uh, we could go to them and, ya know...

MM: Well, I's couldn't give ya a name right, today...

TD: OK.

MM: ...but, uh, I have people that, to send ya to, sure.

TD: OK.

MM: Absolutely.

TD: Because, ya know, like I said, I want to cover...

MM: I got the best guy in the world.

TD: ...as many -

MM: I got, I got, I got some real key people in State.

TD: OK.

MM: I can, I can meet with them, see, ya know, I didn't, I haven't discussed this matter at all. But, we...

AE: It didn't go further than him and I.

MM: ...we're, we're goin' back...

TD: OK.

MM: ...we're goin' back into session right after the holiday, after Labor Day.

TD: OK.

MM: And I'll be back in Washington until somewhere around the end of October, we expect to adjourn for the year. Ah, hopefully. And in that period of time I will, uh, discuss further with State, with my connections there. And, line up some things. And I get you back and meet you and we can talk about it.

TD: Sure. Ah, we, we can.

MM: I can let you meet somebody from there, you know, if that's what your interested in and lay out -

TD: We, we were discussing, I don't know how this would tie in, but we were discussing at one time about green cards.

AE: Green cards.

TD: OK. Now if, if we.

AE: I've got the feelers out for that.

TD: If we could probably bring somebody in, one of these guys in, with, you know, with a green card, then, you know, through, maybe one your connections or one of Angelo's connections. And then, while he's here, then introduce that, you know, the legislation the way you were saying that you can do...

MM: Un hm.

TD: ...ah, to keep him, ya know, to keep him here. I, I don't know, see, you know more about this than I do.

MM: Well, what I'd like to do is, uh, uh, i-i-if you, will, as, as time goes on, we'll get more facts together...

AE: You, you...like a (IA)

MM: ...about the individual case. I'll lay it out.

AE: -th-then you can call him...

MM: ...tell you how it's

AE: ...Oh, you, you can call Ozzie directly...

TD: Yeah. Alright.

AE: There's no problem there.

TD: Alright. Well, what I'm sayin' is the facts, the facts are not, auh, the important thing right now. I think wh-what we need is, ah, the people lined up and then when the time comes just give 'em the name of the guy.

MM: OK.

TD: Where, ya know, where he's from and what not, and then, ya know, let them handle it. Because, wh-what I'm sayin' is what I'd want it covered for is the most volitile situation that we can imagine. OK? Y-you know. I mean, ah...

MM: Well, there's a lot of other ways - I don't know what kind of business interest, eh, that, that he has here.

TD: OK. Wh, wh, wah, heh, hopefully he's gonna have, oh, tons. We're, ya know, we're talkin' about Atlantic City and

MM: OK. I mean if your rollin'...

TD: ...ah, a (IA)

MM: ...that's, you know, a whole different avenue that we approach at that point. Because we use him as, ah, ah, for economic reasons we bring him in because he's invested his money here. And he is turn spinnin' off dollars into our economy andhiring American citizens back to work. And this is another avenue that we'd approach with Immigrations. That's a much easier avenue if you got that to go on.

TD: OK.

MM: That's a much easier avenue.

TD: Alright.

MM: You know or if he had some...

AE: Communicate

MM: If he had some real specialties in some area. You know, I don't maybe he does, I don't know. If he was a doctor or something like that.

TD: Well, he's, ah - specialty is money.

MM: Well -

TD: You know in, in, in ah...

MM: No I, I, I'm -

TD: In putting it out. That's ah...

MM: ...the point I'm making to you - these are all different, other avenues that you travel when your lookin' to...

TD: Yeah.

MM: ...become a permanent resident.

MW: He's got a lot of relatives he wants to bring over, too, when the time comes.

MM: Well, see, through the business venture would be the best way to handle that.

TD: OK.

MM See, once your here established. The business. It's a, it pay, it's paying taxes into the United States Treasuries. It's employing American citizens. It's, it's a spinoff. Au, then, y-you rotate family members into business and bring 'em in.

MW: Well he,...

MM: Thats how...

MW: ...most of his money he puts into his mortgages.

MM: Well, that's even, you know, that's good.

AE: That's the best way.

MM: When you go into an inner city with mortgages - is that where he's got the mortgage companies at?

MW: Yeah.

TD: Well, we, we, we're takin' some property in, ah, probably Atlantic City.

AE: Uh Camden possibly.

TD: Uh, possibly in Camden.

AE: Even possibly in Philly (IA).

TD: Well, in fact, that's another thing we were discussing, uh, with the mayor, that uh, might be interested in somethin' in Philadelphia, uh,...

MM: That would even...

TD: ...you know.

MM: ...which is a great idea because, whu, whu you have something in Phili.

AE: If you go in his District with somethin'...

MM: If your in my District, you.

AE: ...now your in better shape.

TD: Well, auh...

MM: ...really gives me the opportunity then to go ahead...

TD: Right.

MM: ...in full full force and, ah, not that I won't otherwise...

TD: Right.

MM: ...but that gives me another reason.

TD: Well, that gives you a little, that gives you a little protection for yourself...

MM: ...gives me a little protection, and here,...

TD: Alright.

MM: ...hey, here's a resident in my District who's investing dollars here to help my community. Ya know, gives me the perfect opportunity to raise hell before Congress.

AE: You have, you have to sit down with Yassir and discuss these avenues. But Ozzie could become...

MM: See, we could

TD: See, now you, you've given me several alternatives as to how you can personally...

MM: Yeah.

TD: ...you know, manipulate things to to bring him in. And I, you know, this is what, this is really what I wantud to know...

MM: Yeah.

TD: ...because some of this shit - talkin' to a lot a other guys - Well, they don't know. Ya gotta talk to somebody that's on the inside.

MM: I'm, I'm down there.

TD: And, ah...

MM: We deal with these matters continually. Now, there's a million ways. Like I'm tellin' ya. It's depending on the individual circumstances. Uh, and this is how you handle each case. Like I'm sayin', if he had some specialty, other than money. Ya, know, if he was involved in somethin'. Veterinarian school. We may, we may put him into...

TD: Well, you, you -

MM: ...See, what I'm sayin'? There's a lot of ways...

TD: ...In other words, you, can come up with somethin'...

MM: Oh, yeah, we can...

TD: ...if you can come up with somethin', uh, ya know, we can make him be whatever he has to be as far as a, ah, you know, he started out at, at this, and uh,...

MM: We'll make him fit the scen-...

MW: Yeah.

TD: ...through his,

MM: Absolutely.

TD: Through his father's, ah, money he, he decided then just to be a financier. And, uh, you know, got away from, uh, this other specialty. You know, uh...

MM: And one of the best things, believe me, what your doin' is investing, uh, capital in, into our country. Ah, particularly in, ya go to the City of Camden - it's a hard pressed area. And ya go to the city of Philadelphia, we have pockets of poverty. And this is really something that gives me the kind of material that I need to go forth, ya know, and really demand that this man stay here.

TD: Right, well, 'cause I can see you bein' under fire, uh...

MM: Sure.

TD: ...maybe when this comes down and, uh, although your gonna, although your bein' taken care of for it.

MM: Yeah.

TD: But, ua know, ah, ya know, I, I wanna put you in as good ah position, as we can...

MM: Sure.

TD: ...in order to, you know,

AE: Makes sense absolutely.

TD: To keep the relationship uh as tight.

MM: Well, uh...

TD: ...as possible.

MM: ...we'll talk about some, maybe, some things in Phili...

AE: He and I'll discuss somethings.

MM: Ya know, somethin' that he may be interested in gettin' involved in in Philadelphia. Somethin' that's on the market there. I mean a good business deal.

TD: Yeah.

MM: Somethin' where he's got a piece of Philadelphia. Ya know, where he has an interest.

AE: (IA)

MM: And, we'll put it in my area. And, uh, you know, well mine's a (IA) a very big District as you all know. Uh, we'll put it somewhere in my area...

AE: South Philadelphia.

MM: ...that, that will make it no bullshit.

AE: He's got all the Italians.

MM: I got all of South Philadelphia.

AE: And some suwatzes (PH)

MM: And all of West Philadelphia (IA)

AE: (IA) ballpark (IA) what kind of lawyer he's got.

MM: Uh, that'll give me, really, a solid lock on the rest of the delegation. Hey, this is Philadelphia. This is jobs to our city. See what I'm saying to you?

AE: He can make a speech then.

MM: Oh, I, uh, you know, that gives me the out that I need to go full guns. Somethin' like that. Without that I'm gonna do, ya know, I'm, I'm gonna...

TD: Yeah, your gonna work. Yeah, your gonna do it anyway, which, which, the thing that really impresses me is the introduce legislation to, sh, you know, that they can't kill. In other words you could stall that forever.

MM: Well, we can stall it and stall it, and then, see this where we can use our connections with the committee. The strength of the committee is the chairman of the, of the Judiciary Committee for instance. He has a pet - everybody's got a pet project.

AE: His friend and my friend. His name is Rodino.

MM: Peter Rodino from New Jersey.

AE: (Laughs) He's from New Jersey.

MM: He's right up the road from him. Next District up. And uh, he's a very influential guy, loaded down with power and respect. And he deals with us continually. OK? He has to deal with us. It's survival down there is knowin' how to make deals. It's a big pie down in Washington. Each member's sent there to bring a piece of that pie back home. And if you go down there and you don - you come back without milkin' it after a few terms...

AE: Shame on you.

MM: ...you don't, go the fuck back. (Laughs)

TD: You don't go, you don't go back. Yeah. I know I don't blame you, yeah. Alright, ah, have you got a card or somethin' I can get a hold...

MM: Yeah.

TD: I'll give ya, mine. You got yours Mel?

MW: Yeah.

AE: Feel free to call on him.

TD: Yeah, well that's ah, you know.

AE: It's as simple as that.

MM: Feel free to call me and, you know, matter of fact, you can come down, we'll meet down in Washington if you want.

TD: Alright.

MM: We'll go over some strategies. I'll be happy to meet with ya.

TD: OK.

MM: You know, this is a... The more we, uh...

AE: We communicate that's the key.

MM: The more we communicate, the more I, I get a picture of what, what you really...

TD: OK, you probably get a hold of me down here. On, this is the boat. I'm gonna stay on the boat most the time.

AE: (IA)

TD: I got a boat down in Fort Lauderdale. Which I'd be happy to just stay on and never, never leave. Just,...

AE: Yeah, fuck you too.

TD: ...cruise up and down...(laughs)

AE: Mother fuckin' (IA)

TD: Eat your heart out.

MM: You have, ah, anything in the shipping industry?

TD: Well, they do some things. I don't handle that, that, end of it. What, what would be...

MM: The reason I say that...

TD: ...would be the...

MM: ...well the reason I say that is because right now in Philadelphia I'm on, I'm very active in the Port of Philadelphia. Ah, I'm formerly with the I.L.A.

TD: (IA)

MM: I'm formerly with the I.L.A., here (IA) involved. And right now we have, ah, Philadelphia Port Corporation. And the Executive Director - I made him the Executive Director Freddy Di Bonna (PH) you know the judges kid. And, uh, we're looking to expand the port. We have a lot of interesting deals available in the port, empty piers. We have, ah, International Foreign Trade Zone now. You know, a lot of things that y-you may be interested in.

AE: Both sides of the river.

MW: Do you have any trouble with the unions?

MM: Oh no, no trouble, no problem with the unions. You know we have to hire union people. That's all. But that's that would be no problem.

MW: How about anybody breaking his chops, you know, the boys?

MM: No.

MW: No?

MM: We won't have any problem with that. Don't worry about it.

MM: We can that op-that operation without any problem.

TD: You can handle those guys?

MM: Handle that without any-that's the easy part. We - we got to get the right pier. Maybe he's interested in somethin' like that.

MW: That's the thing that keeps him scared, you know. They read the newspapers.

MM: Well, you don't, let me just say this to you. As far as the ILA's concerned, if I was going to be doing some, some shipping business I wouldn't go to New York City and fuck around in the Port of New York. Because that's where they really got the grip so tight. You go to one of the surrounding port areas Philadelphia's the, the second largest. You go to Norfolk. You go to Boston. You go to Savannah. You go along, anywhere along the eastern, eastern seaboard, other than the Port of New York, you don't have them kind of problems that you do here. This is the international base up here. They control the whole fuckin' operation. We get the fringes, but the fringes are healthy enough for us to keep five thousand Longshoreman workin'. Thats the kind of, thats, throughout all (IA).

AE: This, this is the Philadelphia Port. This is Philadelphia, Camden,...

MM: Oh I'm talkin' about...

AE: ...and Wilmington

MM: A-and the Port of Wilmington. When I say Philadelphia we're based as one Port. It's all Philadelphia and ya got, actually, four, four Ports. Ya got the City of Camden, ya got (IA) Wilmington, Chester.

MW: You see, if, well, one of our problems when we speak to him on that, he reads the newspapers and he -

MM: He's afraid of too much involvement with the ILA up here with, ah, Scotto and them guys.

MW: Right. Now -

MM: Yeah, and I don't blame, I wouldn't come here.

TD: Yeah.

MM: But if, now, I'm talking about we got some old finger piers that are available. We could set up a lease arrangement at one of the piers if your interested in that. I can do all that. Now, we're lookin' for business. And we ha - we, we, we'd have a welcome, open, eh, open door policy with the ILA in Philadelphia and with the Port...

AE: I.L.A.

MM: ...Corporation. If I-well, it's the same. No, the I. - it's the same thing. The I.L.A. is the International Longshoreman Association. But, up here, in New York City, OK? You got, the Port of New York is controlled by, uh, Scotto is the, is tha, is the legislative liaison is what his title is. But he, basicly runs the operation up here. Now, Teddy Gleason is the President. And then, we have one of the international Vice President, eh, Jimmy Moke (PH) out of Philadelphia.

AE: (IA)

MM: And, eh, yeah. You know, but that's, we have our own little family (IA).

TD: Well, in other words, your tellin' me you can reach all those people and do anything you want and anything you want get done.

MM: Oh, yeah, we got, eh, no problem with anykind of a port operation.

MW: (IA)

MM: Now, the only problem, the only problem is, ya gotta, ya gotta use union men. You can't come in and start...

MW: Oh that's no, that's no...

MM: ...ya know, once ya get rollin' then you bring somebody in who's a shipping expert. Knows how to handle certain cargos that ya, certain commodities that's ya gonna be shipping in. So, there's a reason to bring him in.

TD: Yeah.

MM: He's an expert in handling this cargo. We give the fuckin' thing, once ya pay, pay the his health and welfare benefits. No problem.

AE: You hear what he said, no union problems.

MM: This is the way to being him in. Now ya got some expert that handles certain stowage of cargos. We created a j-, we create a position for some eh, somebody that you want to bring into this country. That's, this is the way we do it. This is the easiest way...

TD: Alright.

MM: ...to do it.

TD: ...But were still...

MM: You have a legitimate business...

TD: ...we're still gonna have to kick somethin' into the union people, in, in order to...

MM: We can, let me just say this,...

AE: (IA)

MM: ...we can handle that kind of operation. All that can be handled.

TD: OK.

MM: All that can be handled.

TD: Alright.

MW: Lets stop down and see them maybe we'll be interested in that.

MM: Yeah, are, all, is, is, ah, we have a lot of space available right now. Philadelphia is the, ah, when I say Phili I'm includin' the whole, eh, metropolitan area. The whole metropolis there. Ya got, in the metropolis, I think, is around nine million people isn't it?

AE: Um, huh.

MM: Counting Philadelphia proper, Camden,...

AE: Ni - there's nine counties.

MW: See, his biggest worry, like I say, is in people, because we don't know...

MM: We, don't worry about that.

MW: ...the type of people...

MM: I can handle that. OK?

MW: Alright.

MM: I can handle that whole problem. Talkin' about Philadelphia now?

MW: Right.

MM: Now, we can deal with it in New York, but not the way we can at home. OK? New York is, ah, is a lot different - the way the operate up here.

MW: Well come down (IA)

AE: Call me or call Ozzie (IA).

MM: You give me some ideas, like, if your interested in the shipping business. If you want bring some - I don't care what it is. If you, if your in - involved with that, ya got products ya want to ship in, ya know, ya wanna bring 'em into Phili, we'll get ya set up into that. If ya wanna get into be an agent, ya know, there's a lot of avenues open there.

TD: Alright.

MM: He may even want to go into his own, uh, steamship business. I don't know. But that, ya know, ye got that covered.

MW: Anything, ah, like, bein' an agent, we can go out on our own?

MM: Oh, sure.

MW: Yeah?

MM: You could do your own, you could be your own agent. Sure, in your own port.

MW: We'll get together with 'em down there.

AE: Positively.

MM: There's a lot in that, too, and that's a great area. And there's li- it's, it's legit. It's a good operation and it's a good way that your putting dollars into the economy of the city.

AE: And ye...

MM: And this what makes, believe me, this is so important to have them kind of operations.

TD: Well, it, it, what, what makes me, uh, feel good especially about it is, that, uh, by us coming there, even for some-something small, it's gonna help you out.

MM: Yeah.

TD: OK? I mean, I keep goin' back to this...

MM: Yo.

TD: ...that's the most paramount on my mind is, is protectin' these guys. OK? And then...

MM: Oh sure.

TD: ...secondly, is protectin' you because if I don't protect you, what the fuck good is it gonna be for them? Do you know...

MM: Absolutely.

TD: Do you know what I mean? I don't...I don't wanna...

AE: Two way street.

TD: You know, I don't wanna...

MM: That's the way to look at it. Your absolutely right.

TD: Alright? Because, uh...

MM: Your absolutely right.

TD: ...when, when one goes, uh, everything goes. So, I, I wanna make sure that, uh, that your, your taken care of as, as best as possible. Like I say, it'll be - we've got, I've got the two fellows that I'm really close to, I'm workin' for. OK? And their gonna be goin' that way. And, the way it looks, OK, we could probably get, ya know, some more of these people. And the money is gonna be there and, like I say, this, this is only, ah, ya know, part of it. We'll, we'll work out some more, ah, later on when, you know, when, when we have to make a moves. And, as long as, as I got your guarantee that, ah...

MM: You got my guarantee. Ya got problems at all with me.

AE: And ya got my guarantee.

MM: And we'll...

TD: You, I got your guarantee. I don't need your guarantee!

AE: Let's go bubby.

TD: Yeah let me, wait I've got a bigger envelope.

AE: Ozzie (IA) I think it might be wise, Cz while they're, what they're doin' (IA) on some port stuff that we could - the four of us could meet back in Phili.

TD: Spend it well.

AE: Yes, (IA)

MM: Pleasure.

TD: Listen, what I'll do...

AE: I'll, I'll see ya when I come back.

TD: Alright.

MM: I'll, ah, I'll have some meetings with the Philadelphia port people. It's called the Philadelphia Port Corporation. This is, ah, a non-profit corporation that's strictly involved with the operations of the port - the turnin' over dollars at the port.

TD: Right.

MM: It's supported by a state appropriation of one million dollars a year and then there's a lot ah local effort that goes into it.

AE: (IA)

MM: It's a million - it's two million dollar a year operation. Now, this is, ah, it's about sixteen or twenty total employees in the company. And they had in charge of all pier rentals, any lease space, any lease arrangements. They take care of all that. Now the Executive Director, whom the mayor knows well. I made him the Executive Director, of course. I didn't tell ya before. Whatever, whatever pier's available we could get it overnight. We get ya a week fuckin' lease.

AE: (IA).

MM: Ya know what I mean? Any way you want. I mean just to give you an idea of what we can do.

TD: Alright.

MW: We got like the goose that lays the golden egg. We all like to make a buck.

AE: Ok lets go I, I wanna see ya for a bit.

MM: Alright.

TD: See ya.

MM: We'll get together.

MW: Ya comin' back up, right?

AE: I'll be right back up.

TD: O.K.

AE: O.K.?

TD: Alright.

MM: See ya later.

AE: Hold the door for me.

MW: O.K., Ozzie.

(End of conversation)

[Exhibit 6A: Transcript of
Videotape Exhibit 6]

Date: August 22, 1979

Time: 12:49 P.M.

Place: Travelodge International Hotel, Room 381
John F. Kennedy Airport
Queens, New York

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)

INAUDIBLE (IA)

(PHONE RINGS)

Hello?

(END OF CONVERSATION)

AE: This weekend or tomo, - tonight, whenever we get a chance on setting up some of your re - relatives - the key people he wants for a book. National, ah lo - a longshoreman's book. He wants to work on that in - insure his friends. I can open up a forwarding company, Ya can make Yassir, Ya know, whatever.

TD: Yeah -

AE: But he wants to start the, the books on family members or people he wants whatever. So -

TD: Well we got, with that we got no problem. We got time with that. Because he's - - -ya know.

AE: These are things that I think they're important.

TD: Yeah

AE: To Yassir. I say, he's - Holy Christ, Longshoremen's book for someone that's gonna stay in the country - whatever, ok. What I, what I wanted to just, just, relate to you was, was, a, a matter that was brought to my attention. Got a phone call from the Chief Counsel to the Legislature in Pennsylvania. A very dear friend of mine. They called, he came over in reference to could I intercede as a Senator in Trenton on some EPA stuff statewide for a client of his that has some problems in Paulsboro (PH). Now Paulsboro is about fourteen, fifteen miles south of, of Camden and it's - there's, there's refineries, down there. There's ah, ah, big one. There's Texaco and there's also Mobil.

MW: That's Sunoco isn't it?

SE: There's Sunoco and there's also a Mobil - there's a small one. It has some, it has an EPA problem statewide. I said - positively and took care of it 'cause when the new woman took over - we started chatting, saying, who's your client, the oil business and so forth.... I said, ah, we're desirous, desirous of need of oil. He said, "positive you got oil?" I said maybe. Wait a minute. Called a guy in Houston, Texas. He's his client. The guy's name is Joe Pakhurst (PH) he belongs to that club. It's small in comparison to Mobil and others, but they're all part of the same club. He

said, "Man, we need oil desperately". He said "I'll buy it. OK, look let's get the parameters set so we don't fool one another. Number one - got 200,000 barrels a day, 300,000 barrels a day, fine. But I wanna know is the the lift point - there. Not FOB United States - there. So, if it's Aba Daba or whatever" -

TD: Yeah.

AE: "Now, if i'ts Saudi light. That's, wanna know if it's Saudi light and the grade that's all I have to know."

MW: Saudi light's the best oil out.

AE: "Well, if it's, if it's Aba Daba crude, just give me the type.

MW: Well, that'd be a problem for us gettin' though Ange. I'll tell ya why. Being that we represent them, we're workin' 'im - everybody comes to us for oil. Now one of the things, Abdul put in right away is he don't wanna get involved with us dealing in oil.

AE: Uh, let them get involved with me.

MW: Alright we can speak to him. Alright?

TD: Alright.

MW: With the ----

AE: Let them pay me a commission.

MW: Because, no, no, the idea's he, he told us anyone comes for oil, see, 'cause all their oil is sold by the country. That's all by the er, uh, the country sells it, and ah. They sell it to other countries. See, they don't deal with the oil company. They buy it from country to country. They ship it to you. Like, like this country-

TD: Well, we can ask him

MW: We, we can ask 'im. And I think that bein' that - Yassir, we'll speak to Yassir, - that he likes you. See what he can do.

AE: That's where I was comin' from. I thought maybe Yassir'd be the guy that, hey, we're supposed to be friends.

MW: He, well he's the guy that can do it. We, we, we'll speak to him ah, and, ah, ask 'im to do us a favor for you.

AE: Just pay me a comm ssion, like - (IA) you know off shore and all that kind of shit. Not, not, ya know noth-nothin', if it's legitimate people I'm dealin' with, not fuckin' bums or phoneys. He said he could put up a l-lettter of credit tomorrow morning for ten million dollars.

MW: Yeah. Everybody needs oil. Everybody need it.

TD: Alright.

AE: I know that. Look -

MW: They're all comin' down.

AE: ....So I, I, you know, I've heard l-let's fact it, in the last year, uh, I've had many people comin' to me for oil. Fuckin' phoneys.

TD: Oh, I know.

AE: This person, I got on the phone with a guy from Houston, saying, you know, legitimate deal, no fuckin' around, no (IA) no games played. Put the money up, legitimate. I'll sit down and negotiate. It'll be done in a week. Thank you very much aand goodbye (IA) (IA) Yassir say, well ok. Him - and I set a set, a corporation off shore. Get payed a commission. No exorbitant commission. Nothin', none of that kind of stuff. But the fuckin' numbers are unbelievable.

TD: Oh, heyI, can, I can believe it. No we'll talk to 'im.

MW: Let me - when ah, is Smith (PH) back yet?

AE: No, after Labor day.

MW: After Labor Day? Alright. What - who's the next guy?

AE: We got another Congressman - IA - we got, there's there's, there's two upstate. Pennsylvania possibly. And I say possibly they've been, see, up to this point he's not been able to - he won't and I won't, uh, go into the other guys and do, talk like we're talkin'.

TD: Yeah.

AE: OK? And I'm not, I'm not gonna jus' - dangle a little carrot and I get their reaction. And he's dangled the carrot. And it appears that there's two from Georgia that are ready to go. Plus Senator Talmadge (PH). But, that, that, that, but they haven't been pursued.

TD: Well OK.

AE: They all got the carrot and they all said, Mmm, yah sure! See, now

TD: Let me, let me ask ya. Uh, is he, he, I, is he a real close friend of yours or does, ah, Howie know him too?

AE: Howie knows him, but I....

TD: Oh, ok. I thought, I thought you, well I thought I remembered on the boat you sayin' that . OK? That the guy was a friend of yours but he was a good friend of Howie's too.

AE: Well Howie knows him 'cause he was a former District Attorney. Because he's.....

TD: Yeah

AE: ....been involved in Philadelphia - IA - former, ya know, with that bullshit from the prosecutor's side.

TD: OK.

AE: They know each other quite well and he's also, you know, Lou Johanson (PH) Lou Johanson (PH) the Councilman, you met, as a Councilman in Philadelphia

TD: Yeah. That's right.

AE: Who was, he's the, I'd say that guy's the ward leader Ozzie Myers. Congressman's Ward Leader is Johanson. He calls political shots too, ya know. The guy in Philadelphia.

MW: Oh, he does, huh?

AE: Oh positively, you mean Lou? Oh, fuckin' a.

TD: He's a, he's a quiet unobtrusive...

AE: Quiet.

TD: .....Kind a guy. You know, you know-

AE: German. Can I tell you somethin'?

TD: What?

AE: He's got fuckin' strength on the City Council of Philadelphia. You know, these are the guys we, we know, ya know. But OZZIE and I go back some because of the Port where I've been involved. He's, he's, he's, he's

before this, before he was a Congressman. He was in, one of the big shots in the I.L.A. That's how I knew him.

TD: Yeah

AE: When he says, when he sits here and says Mope (PH) ya know Mope (PH) the boss. I know Mope (PH) but not like he knows him because they were part of the same organization. They're unbelievable. Ya know that fuckin' I.L.A. That motherfuckers are all bad.

TD: Well that's how it happened wasn't it?

MW: That's why I asked him you know, uh, I would like, you know, for us to go in there even and then, uh, use Yassir's ships an things, and the planes. Use the port.

AE: Anything ya want.

MW: But, ya know.....

AE: Ya got both sides of the river.

MW: .....But ya, ya don't have the right people behind ya down there. Ya can get your fuckin' brains knocked in.

AE: What I been fuckin' tryin' to tell ya for fuckin' last seven, eight months that I got the fuckin' people...

MW: Let me tell ya what we're doin'.

AE: .....You know, but you're not you know you're not, you know, we got, we've gotta communicatin', clear. I don't know what the fuck you're doin'.

MW: We're makin' the application out for the check cashing places. That, that he made out.

TD: I'm gonna put it I'm gonna put it, I think, I'm gonna put it into Ernies (PH). I'm gonna make it a company and, and have Ernie be the guy - IA.

AE: IA

TD: Ya know.

AE: Before you file just give me the paper. I gave you the application.

MW: Yeah the guy's workin' on it now.

TD: Yeah

MW: The attorneys are on it. So we should have it ready by next week a week after at the latest.

AE: And when you're done with it, ah, when I got it, I'll get, I'll go see Tommy Smith (PH) personally. I'll go see Tommy Smith (PH) there.

TD: Yeah, well, in fact, what I'm - wanted to do is well...

AE: Want me to take it?

TD: I'm gonna fill it out. Yeah. Go down to see him talk to him about it, because, you got, one of the things we got to put in on the application is the location. OK? And go down and talk to him and find out what he feels the location should be. Remember you said that he, he may have Aja Alai already sold.

AE: Yeah.

TD: OK. You're lookin' at me as a question mark. Is that, isn't that what you told me?

AE: Hai Alai is a question mark - yeah.

TD: Oh, it's a question mark then? He hasn't, you don't know whether he's got it already promised to somebody else?

AE: Oh, eh, that part - two different things. Does he have it promised now to somebody? Yes. Is it gonna happen? I don't know. I don't think so.

TD: No, no. What I was gettin's at is well, ok, no, now what I was getting at is I'm still on the check cashing thing. Wha, what would be a good thing is to put the check cashing thing....

AE: In the City.

TD: ....in a closer location to where the Fronton is gonna be. Ya know what I mean? If they have an idea where the Fronton . . .

MW: He's, he's only speakin' to somebody in Aja Alai right?

AE: I'd say no. I'd say he, it's tie - locked in.

MW: You think it's locked in already?

AE: Uh hm. Yeah.

MW: Any chance of offerin' a bigger price for it?

AE: Don't know I'll talk to 'im. I'll talk to him when he comes back. But, I'm, I'm, you know, from my conversation I gotta feel it's locked in. You know, without, without specifics, you know

TD: Alright, well, we'll lay it. you know, find out. We'll if, somethin' can be done. Somethin', be done

AE: That's it, huh?

TD: So, Ozzie's eh happy?

MW: Well, as soon as we get that from Vince.

AE: (IA) Hey, eh, was happy with the conversation?

TD: Yeah.

AE: Oh, positively. He wants to move forward.

MW: Instead eh you comin' in here, we'll come out there.

AE: When's that?

MW: Soon as we see Vincent. We can - be there tomorrow.

AE: I'll be in the office.

MW: Yeah, well, as soon as we - we'll take a ride out and meet you out there.

AE: (IA) can I call my under-secretary?

TD: Yeah.

AE: Well I,I left this morning early, but I didn't go to the office. To get the fuck up here.

MW: Next time tell us, we'll send a plane for you. Isn't it easier for a plane to go....

AE: This, this, this....

MW: ....right into Camden?

AE: .....zero, eight or somethin'?

TD: Eight, then zero

MW: Eight, zero, IA

AE: No, I, I wanna call collect, area code...

TD: Put it on the credit card.

AE: No. Eight, zero-

TD: Eight, zero - zero, then your area code and number.

AE: IA zero, six...

MW: Want me to deal it for you? That's why he takes Dani (PH). He can't see.

AE: Mam, tryin' to call collect to Camden, New Jersey. What do I dial? Six, o, nine, seven, five, seven, seven, two, one, three. Mayor Errichetti. The Mayor callin'. This is a collect call from the Mayor. Yeah, me.

MW: Young guy do ya know him?

AE: Hello, Theresa. Hello, Theresa. Oh, Jesus Christ. Hello, Theresa.

MW: IA - IA

AE: OK. Dan. What are you doin'? Well, what's happening? Oh, you mean I'm gonna be honored by this, by the National Jewish Organization? Humanitarian of the Year, huh? Well that's terrific.

MW: We'll get you a yamica (PH)

AE: This is October 14. Um Hm. OK, what else? I gather that, but, I, I...that, son ah bitch didn't call, did he? What else? That' it? Anything in the mail? Nothin' important? OK, then I'll be seein' ya this afternoon. I'll come back, shortly. OK? OK - Bye, Bye.

MW: That's it?

AE: Yeah. Ah the Jewish Organizations's in there right now lining up my, ya know, honor me.

TD: Ah, the fourteenth.....

AE: Hmm.

TD: ...of October.

AE: Yeah

TD: You got a little while to get ready. Listen, if you can practice one of your speeches. I dont' ever want to hear another.....

AE: Thank you, that's all....

TD: .....One of your speeches.

AE: .....I'm gonna say.

TD: Oh, oh. Yeah.

MW: He don't say thank you. He curses the shit out of them.

AE: Well I just (IA) won't curse them because they've been very good to me, ya know, basically, they're very good supporters of mine. It's ah, it's ah, based in Philadelphia group basically.

TD: You don't have many in Camden do you?

AE: No, no, not in Cherry Hill.

TD: Cherry Hill?

AE: Oh. Loads of them

MW: Camden - (IA)

AE: Jewish Community? Used to be large years ago. (IA)

MW: So we should be out there toward the end of the week to see ya.

AE: Next week.

MW: This week.

TD: No, this week. If we're gonna pick that thing up from Vince, uh -

MW: Vince, he's called me up, I, spoke to him last night. In fact, he was gonna come down. And, uh, he said it'll be either today or tomorrow. Now he didn't give me a definite answer that bastard. When he calls here if you're not in your room, he won't even lets say who called.

AE: OK, I, I'll be in the office.

TD: Well we, we talked it over, OK? And you're outvoted. This is a, uh, group thing. You're outvoted as far as, ah...

MW: The split.

TD: There, there's no split. You get it all.

AE: I hate to, ah...

TD: Alright?

AE: ....I do't like to break the rules. Ya know? (IA) own set of rules.....

TD: No, no....

AE: ....I, I, I'm a very (IA). Ya know?

MW: We had to break the rule today, unfortunately. Ya gotta remembeer, he's got all his relatives and every relative's the same thing. We want insurance. Ya, Ya, ya know....

AE: Yassir, Yassir's right now is a king. As far as I'm concerned. He's got, he's got us.

MW: Right, but sometimes ya lose.

AE: What the fuck, you know, you hear what this guy said? There's lots a guys runnin' around. I ain't talkin' to nobody.

TD: I know.

MW: Yeah, sometimes.....

AE: 'Cause they're, they're afraid that....

MW: ....Ange. Sometimes you got to back down from 'im, let 'im have his way. Because there's more comin'.

AE: Ya, ya, yah, I understand what you're saying, but....

MW: And we did say....

AE: Yassir's also in a key spot now with us. He can be the-

TD: Oh I know

AE: The othere guys can't -

MW: ....seen as he tells us- like say to work on it, alright? He comes up with the rest of the bread - no problem. - IA

TD: What are ya gettin' at?

AE: With, with, with or without 'im, ya know. Please' understand he's only one of the guys. We got other people. Ya know, like the State Department. We got one of the fuckin' - When, when I get my guy set up, he's gonna be higher than his fuckin' guy. I'll guarantee you that. OK. Guarantee you that.

MW: When will you be settin' up?

AE: Well, right now, I, I, I gotta get the conversations goin' on my fuckin' track. I get a little spustad (PH) sometimes. You understand that?

TD: Yeah. Will I, you know, with all the runnin' around I can understand that.

AE: These guys aren't easy to nail. In the summertime those are bd, fucked up months, we go on vacation and....

TD: But, I, I don't mind, you know, I feel a little bad because I wanted to make sure that you worked with, your workin' somethin' out with this guy. I know you well enough to know that, you know, you're, you're taken care of.

AE: No

TD: No?

AE: No.

TD: How come? Porque?

AE: I don't do that. You see, you see you, fuckin' guys don't - better understand. I tell ya, I play by fuckin' rules.

TD: Ya, you I know....

AE: Look at me in the eyeballs! I'm lookin' right in the fuckin' eyes.

TD: I know you....

AE: Ain't no fuckin' deals here.

TD: I know you look at me in the eyes.

AE: (Laughs) Well I'm tellin' ya. No!

TD: Alright.

AE: You don't know you don't know me well enough. You, I'm tellin' you, I play by the fuckin' rules. You get the rules up. That's the fuckin' name of the game. Now ya know what? I ain't gonna break 'em.

TD: Ah, eh, well I didn't know what, hey, I didn't know what

you were arrangin' with 'im.

AE: I arranged one fuckin' thing. So, you fuckin' know. You, cocksucker.

TD: Jesus Christ. You're so, too kind to me.

AE: When the guy said, when you said one, one big one. OK?

TD: He misunderstood.

AE: Wait a minute. Was I,.....

TD: Alright.

AE: .....let me finish my fuckin' speech so you fuckin' - without even fucking prompting, so you understand.

TD: Alright.

AE: OK? One speech, was given to me. One bit one. I got the guy. After I chatted with him he said, ya know, and he said quote, "I feel s-feel sorry for Tony". We should help Tony. Period. He didn't say help Mel Weinberg didn't say help Angelo Errichetti - IA - ok, fine. What did I say to you?

MW: Fifteen.

AE: Give him fifteeen. I raised that fuckin' fifteen. OK? Now, he tells me (IA) ifteen. I go ahh. What's the, what's the first thing I said? I said to him. Ya got fifteen out of the hundred for him. 'Cause I was gonna, and I set up, was to say, OK I'll take the fuckin' fifteen and you get the fuck out. Meet ya at the airport. Give ya the fuckin' - ain't no need to be at the airport. Give ya the fuckin' - ain't no need to be at the airport. Here's the whole fuckin' package. Goodbye. Ain't nothin' in there for Mel.

TD: Alright.

AE: For you. For Angelo Errichetti. OK?

TD: Alright.

AE: But the original intent was when we first set it up was it was a hundred and this fuckin' clown comes to me and says, "We gotta make a deal". Huh? I though maybe I thought maybe someday gonna say for me for a change..Hm, Umm.

TD: Well....

AE: But the rules are.....

TD: .....OK. I.....

AE: But you needed fifteen he said to me. Fine, OZ, the guy needs fifteen. I want fifteen out of ya. Positively. He didn't fuckin' bat an eyelash. And that's that was the fuckin' deal. So he's tellin' me it ain't even, it's fifty not a hundred.

MW: I told you, I gave you....

AE: You don't know how I'm gonna tell this guy.

MW: I gave you the good news downstairs.

AE: Ya know, you, yo could give me thirty-five seconds to fuckin' tell us, not you, that guy

TD: OK

MW: 'ember, remember when let me explain.

AE: And then, that's why I say don't mention no fuckin' money. Let me handle it.

TD: Well that's why I didn't ....I didn't mention it.

AE: WEll I know you didn't mention it.

MW: Now, can we make the rest for fifty? We'll hve no problem. Just for starters. And then when we tell 'em to go ahead they get the other fifty.

AE: You gotta give me ground rules.

TD: Alright.

MW: Alright? Leave it that, this way we don't have to argue with Yassir. It'll be alright.

TD: We'll leave it for the other, other people that we're gonna deal with.

AE: From here on in it's fifty, huh?

TD: Fifty.

AE: Not a hundred?

TD: No.

MW: Right

AE: OK, and I'm, I'm danglin' carrots of a hundred. You understand it.

TD: Alright. Alright.

AE: Now I gotta go, now I go fuckin' re-tread the whole thing.

MW: You do it.

AE: Well that's my speech.

TD: Alright.

AE: I, I gotta try to do it.

MW: As soon as they start, they get the other half. You know at least we know they're startin' it, they get it. Soon as we tell 'em to go ahead, we'll give 'em the other half.

AE: It is started

MW: Like, say we call him up tomorrow, right? Start makin' arrangements to get the, Yassir in. Alright?

AE: Yeah.

MW: Then.....

TD: And then they'll get more.

MW: .....They'll get the other half. You don't get the fifty - (IA)

AE: Just let me caution ya, please. Don't give anybody anything unless I know first.

TD: Oh, no.

MW: Hey

TD: Oh no.

AE: No, I'm just, you know, you wanna know why? You know why? You're gonna go down and fuck up yourselves.

MW: Hey, we're not not dealin', anything we deal is through you.

AE: I understand.

MW: We ain't callin' 'em direct.

AE: Mel, when you say to me a hundred. I say a hundred.

TD: OK

AE: And when you said to me, he needs fifteen, I went to the guy and say hey pal it's changed, the rules changed. What's the problem? I need fifteen for somebody. I got to ake care of my end. I didn't say you or him or anybody.

TD: Alright

MW: Alright let's get the new ground - it's fifty. Alright?

TD: Alright.

MW: And then when they start they get the other fifty. OK? This way....

MW: I ain't gonna tell 'em that. I ain't gonna tell 'em.

TD: Just tell 'em fifty. That's all.

MW: Hey, I'm not gonna motion nothin' about when we start. Ain't gonna say nothin' about what the fuck, I'll just hiddin myself.

TD: Yeah, yeah.

AE: It's fifty.

TD: I, I agree with you. Fifty and that's -

AE: End of conversation.

TD: Yeah.

MW: Alright

: OK.

MW. Want a bite to eat?

AE: No, no.

TD: No, he's gotta go.....

AE: I gotta get back.

TD: ....He's gotta go be a Mayor now. Or a, or a State Senator. what are ya gonna do now?

AE: I don't give a fuck, they're (IA)

MW: You're a little confused today.

AE: You fucked me up. I.....

MW: Huh?

AE: ....The first thing tht I walk in, I got good news and bad news. Yeah, what the fuck's the good news? There's only fifty now. Gulp.

MW: That was the bad news. That wasn't the good news.

TD: That was the good news.

MW: I didn't give ya the good news yet. I'll walk down.

TD: Okay

AE: You....

TD: Alright, chief.

AE: .....you understand? Well you looked at me crosseyed. I say I'm sure that you- why don't you ever fuckin' believe that.

TD: Oh hey! OK, OK, alright. I don't I can't argue with ya.

AE: Don't argue

MW: He had a rough night. Last night (IA)

AE: It was you I was worried about. But I like to get that that thing straightened out.

TD: Hey you should ah seen me in action last night - (IA)

(END OF CONVERSATION)

* * *

ANTHONY AMOROSO, having been previously duly sworn, resumed the stand and testified further as follows:

THE COURT: Ladies and gentlemen, the last thing we did before the luncheon recess was to see the video tape, the records which were marked in evidence as Exhibits 5 and 6.

I would like to remind you again of the limiting instruction which you will recall I gave you that limiting instruction both with respect to the individuals who were saying things in the particular conversation and that you should consider it only with respect to them at that stage.

And further, that some of the matters that were touched upon in the conversations were matters that are not directly in issue before you and me as being the particular crimes that are charged in this case.

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So there are two levels of limitations of your consideration there.

You should keep in mind always the particular offenses that are charged against the defendants. Some matters may have some peripheral relevance on one or more aspects of the case, and I assume that will be argued to you by counsel in the summations.

But keep in mind that there are only the three specific charges against each of the defendants here, and also with respect to these exhibits, 5 and 6. Exhibit 5 only involved the defendants Myers and Errichetti. And Exhibit 6 involved only the defendant Errichetti.

So I ask you to keep those things in mind and I will keep reminding you of that as we proceed.

All right, Mr. Puccio.

MR. PUCCIO: No further questions at this time, Judge.

THE COURT: All right.

Mr. Duffy, cross examination.

(Continued on next page.)

CROSS-EXAMINATION BY MR. DUFFY:

Q Mr. DeVito, I want to take you back -- Mr. Amoroso, I want to take you back to when you first got involved in ABSCAM.

Did you tell his Honor and the jury that war around January of 1979?

A Correct.

Q In December of 1979, I don't necessarily want to know the work that you were involved in, but were you somewhere else?

A Yes, I was.

Q Where was your home base then?

A Washington, D.C.

Q And there came a time in January 1979 when you got orders to join Mel Weinberg in what was then already characerized as ABSCAM, is that right?

A No.

MR. PUCCIO: I'm sorry, did you say December '78 or '79?

MR. DUFFY: I thought counsel was to address his remarks to the court, sir.

MR. PUCCIO: I will withdraw it.

THE COURT: You will leave the record where it stands?

MR. DUFFY: I will make up a new question,

sir.

THE COURT: I think you misspoke as to the year.

Q Did there come a time in January 1979 -- is that where I made my mistake -- where you were ordered to join Mel Weinberg somewhereand becoma involved in the ABSCAM?

A Yes.

Q And where did you actually go in January of 1979?

A Atlantic city, New Jersey.

Q Had you theretofore ever met Mel Weinberg?

A No.

Q Did you know anything about him before you joined forces with him?

A Vaguely a little background on him.

Q Tell the jury what you knew vaguely?

A Vaguely?

Q Yes.

A Vaguely I knew that he had been convicted of a felony and that he was a government informant working for the FBI.

Q Who briefed you on Weinberg's background?

A Mr. Good.

Q That is the fellow seated, who was seated at ocunsel table this morning?

A Correct, correct.

Q And is that all that he told you, that you were going to work with Mel Weinberg who was employed or affiliated with the bureau, and that Mel had a felony background?

A No. That is not the way it occurred.

* * *

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Q Mr. Amoroso, to refresh your recollection, I questioned you about whether or not you discussed Mel Weinberg with John Good of the FBI.

Do you recall that?

A Yes.

Q And then I said, is that all that he told you, that you were going to work with Mel Weinberg who was employed or affiliated with the FBI and that Mel had a felony background, and your answer was no.

Do you recall that?

A Correct, correct.

Q And then I said, tell the jury the way it occurred. And that is when the fireworks started.

Can you tell the jury the way it occurred? What was it that Good told you?

A Well, I would have to back up as to how I got into this. If you want me to give you a chronology of my involvement.

Q I would like you to answer my question and then if you think there is something you think is pertinent and you want to volunteer, you can do that afterwards.

What did Good tell you?

A What I had already stated plus the fact

that Mr. Weinberg was a little nervous about working with Mr. McCarthy because of his lack of experience in the organized crime field.

Q Mr. McCarthy was your predecessor supervising agent who worked with Mr. Weinberg, is that right?

A Correct.

Q Now, along that line -- I will come back to this point of inquiry now.

Are you telling the jury that that was the only difficulty between Weinberg and McCarthy?

A His lack of experience to my knowledge, yes, sir.

Q Did you talk to Weinberg about his difficulty with McCarthy, your predecessor?

A Yes.

Q What did Weinberg tell you was the difficulty?

A The same as I just stated.

Q Did he deny that he said McCarthy was a drunk and a Jew hater?

A I deny that, yes.

Q What was it that you learned about him other than he was satisfied with McCarthy because of McCarthy's inexperience in organized crime work and that he had a felony record?

Did you learn anything else about him?

A That he was a con man.

Q Right.

I think it is a 137, an FBI 137, informant's file is?

A Correct.

Q Was there one on Mel Weinberg?

A I believe so.

Q Do you know?

A I have never seen it.

Q You didn't look to it?

A No.

Q Can you tell the jury, a 137 informant file is a file that is kept on an individual who works as an informant for the bureau, is it not?

MR. PUCCIO: I object on the grounds that it is irrelevant.

THE COURT: Overruled.

Q Is it not?

A Correct.

Q And every contact that the bureau has with that informant is memorialized in that file, is it not?

A With Mr. Weinberg?

Q With any informant.

A I don't follow your question.

Q The purpose of the 137 informant's file is to keep a record of bureau contacts and employment, contacts with and employment of informants, is that right?

A Correct.

Q Now, did you look at Mel Weinberg's 137 file?

A No.

Q Do you know if he had one?

A Yes.

Q How do you know?

A I was told since the trial started that there is one.

Q Have you looked at it since the trial started?

A No.

Q Were you ever told that there was one before the trial started?

A I ay have.

Q But you didn't look to it to find out what kind of man you were dealing with in this particular operation?

A No, I didn't examine his file.

Q Now, as regards the felony record, were you told what kind of elony it was that Mel Weinberg had fallen for?

A He was convicted or if I remember right he pled guilty to being involved in some type of swindle.

Q It was mail fraud, was it not?

A If you say so.

Q I want you to say to the jury what you knew.

A Itold you that he was involved in some type of a swindle.

I didn't know until you just mentioned it that it was mail fraud.

Q That is the name of the crime, but you say the name of the game was swindle?

A Ys.

Q And were you aware that that swindle was in the amount of over $200,000?

A No.

Q You didn't know that until this afternoon?

A Until you mentioned it.

THE COURT: Mr. Amoroso, just so that we are clear, just because counsel says something does not make it so.

He asks questions.

What we are trying to determine is what you knew.

Did you know it?

THE WITNESS: No.

Q Were you ever -- strike that, please.

I'll come back to your original involvement but along this line, your relationship with Mel Weinberg, did you ever counsel or instruct Mel Weinberg to tell people who were going to arrange for congressmen or politicians, let's use the generic term, did you ever tell Weinberg to tell thes middle men who were going to procure the politicians to come to you that he should rehearse the middle men, the middle man, so as to get them to the politicians.

MR. PUCCIO: I object to the form, your Honor.

THE COURT: Do you understand the question?

THE WITNESS: Yes, sir.

THE COURT: Overruled.

THE WITNESS: No.

Q Did you ever tell Me. Weinberg that he should tell the people who were going to bring in the politicians that he should come on strong, the politicians?

A Did I ever tell him that?

Q Yes.

A No.

Q Did he ever say that in your presence?

A I believe it is in one of the transcripts.

Q Did you react to that? Did you talk to Mel Weinberg when he said it?

A No.

Q Did that appear to you to be a digression from what the game plan was in this ABSCAM operation?

A I don't understand the way you are phrasing the question.

Q Well, let me get what was said.

We played some tapes for this jury and you testified to authenticate those tapes at the outset.

MR. DUFFY: Your Honor, I will address myself to Exhibit 3A, that is the August 7, 1979 tape involving Mr. Criden, Mr. Weinberg, Mr. Errichetti and this witness and you can then tell me the -- I'll point and direct the attention to page 3 as it is redacted.

Can you examine that with me and since it is in evidence I'll take the liberty to read it aloud.

Errichetti says at the top of page 3,

it is excellent for us, excellent as far as time only because it is two hours away but it is the Garden State Parkway, it is right there, the Turnpike is right thre. It all comes together anyway you want.

HC, Howard Criden says, all right.

MW says, that's Mel Weinberg, isn't it?

THE WITNESS: Correct.

Q Doesn't he say, this is when he meets Yassir, just tell him to come on strong. Is that what he says?

A Correct.

Q You were ther, were you not?

A Yes.

Q And Criden says, well, he is going to give him, give him a briefing.

About whom was Criden talking then?

Apparently two people, there are two pronouns.

A I don't know who he is talking about there. I know he is not talking about Mr. Weinberg.

Q Who was going to get the briefing?

A I would assume that the congressman was getting the briefing.

Q And who was the he who was going to give the congressman the briefing?

A I am assuming it is Mr. Errichetti.

Q All right.

Then Erichetti says, I'll give him. And he is cut off by Weinberg who says, or at least he didn't finish, by Weinberg, who says, the stronger the better. Yassir probably wouldn't even say a word to him, he is very conscious how he speaks English. See, Abdul is different. Abdul speaks perfect English because he was educated in England. Yassir wasn't.

That was said in your presence, correct, agent Amoroso?

A Correct.

Q Did you then make inquiry of Mel Weinberg after that meeting and say words like this:

Mwl, why are you saying he has to come on strong?

A No.

Q You didn't think it was at all irregular for WEinberg to say something like that to the people who you folks in the FBI characterized as middle men, Crider and Errichetti?

A No, I didn't.

Q All right.

Stay with me if you will to tape No. 1 or Exhibit No. 1 at page 3.

About a third of the way down on that page, TD, and that is Tony DeVito, right?

A Correct.

Q He is going to have to move that like through somebody in the State Department.

AE, Angelo Errichetti saying, who? You, TD, the congressman. Errichetti, he will do anything -- well, I'll skip that. He will do anything we want. TD, Yeah, and Weinberg chimes in. All he has got is to tell Yassir that he, when the time comes I'll sponsor anything you want.

Weinberg said that in your presnce, is that correct?

A Yes.

Q Did that prompt you to say again, Mel, afterwards, what are you doing here? You are telling him that he will have to sponsor a bill?

A No.

Q You didn't think that was at all irregular?

A No.

Q You didn't think that was at all improper?

A No.

Q I see.

And you never told Weinberg to say things like that?

A No.

Q But it was all right with you if he did, is that right?

A Yes.

Q And part of the con, is that right?

A Part of the con?

Q Yes.

A I would say yes.

MR. DUFFY: May I have a moment,your Honor, I am a little clumsy with my notes.

THE COURT: All right.

Take your time.

(Pause.)

Q Tape No. 2A, the transcript, this again is a conversation that involves you and there is only one page in this one, it involves you with Errichetti and Weinberg.

Errichetti says he is all set, he is all set and you say he is all right.

Weinberg says, you understand I want to especially now extra double careful, all right?

What does that mean or don't you know?

A What I would assume he meant I can answer.

Q Do you know first of all?

A No.

MR. DUFFY: May I have a moment, sir?

THE COURT: Yes.

(Pause.)

THE COURT: What di you understand he meant by that?

THE WITNESS: In our transaction in securing the money and paying the money to the congressman.

THE COURT: With respect to that, that is what is meant by being extra double careful.

THE WITNESS: Yes.

Securing the money as he stats here prior.

Q Were you afraid somebody would steal it?'

Is that what you meant?

A Afraid somebody would what?

Q Steal it.

A Steal the money.

Q Yes.

A No. The manner in obtaining the money.

Q Let's go to the first meeting so we can put these others in context, Mr. Amoroso.

A The first meeting?

Q The first meeting with the people involved here and specifically my client Lou Johanson.

Were you privy to the July 14th telephone call in which Errichetti, Johanson and Weinberg converse, 1979?

A No, I was not present.

Q All right.

But you became aware that a contact was made between Weinberg and Lou Johnanson, were you not?

A Yes.

Q Can you tell the jury what the focus of ABSCAM was at that time, July 14, 1979?

MR. PUCCIO: I object.

THE COURT: Relevance grounds?

MR. PUCCIO: Yes.

THE COURT: Overruled. I will permit it as a general background.

A At that time?

Q Yes.

A At that time we were involved in Atlantic City and organized crime and infiltration of the casinos.

Q I see.

Had you graduated, if that is the proper verb,

from dealing with the stolen paintings and security business by July 14, 1979?

A I don't think I would say we graduated. I think that if the opportunity presented itself at any time and we could have effected a recovery, we would have.

Q But in any case after your advent into this operation the activities of Abdul Enbtrprises, ABSCAM, if you will, started to move into some new areas.

Is that fair to say?

A Yes.

Q On July 14, 1979, were you or any of the other people connected with ABSCAM working with, on or about, politicians?

A I don't recall.

Q Well, you certainly know, do you not -- I don't want to quarrel with you, Mr. Amoroso, but you know from the tie you got into the operation when the swing toward, to use your words, political corruption occurred?

A We were involved with politicians in relationship at the time to Atlantic City and the people the mayor would introduce us to to effect the things that we were interested in.

Q Answer my question.

A What politicians are you interested in?

Q I want to know and I want the jury to know the politicians you were interested in.

A Anyone the mayor would bring to us.

Q Were there some in Florida?

A At that time, no.

Q Were there some in Florida in 1978, as early as 1978?

A Not that I know of.

Q Do you know Joe Meltzer?

Q Have you heard of Joe Meltzer?

A Yes.

Q He was connected with the FBI in Florida, was he not?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Is it your testimony today that before July 1979 the ABSCAM operation was not directed at any congressmen or politicians outside of Atlantic City?

MR. PUCCIO: I object to the form of the qustion, your Honor.

THE COURT: Overruled.

You may answer it if you understand it.

A I understand it but I don't know if I can answer it.

I don't recall if we were dealing with any other politicians outside the State of New Jersey at that time.

Q When was the house on W Street leased?

A I don't know.

Q It was September 1978, wasn't it?

A I don't know.

Q When was the first time you went to the house on W Street?

MR. PUCCIO: Your Honor, I object to this as being irrelevant.

* * *

MR. DUFFY: I'll withdraw the question.

THE COURT: Okay.

(The following occurred in open court.

MR. DUFFY: Your Honor, I will withdraw that question.

THE COURT: All right.

Q Mr. Amoroso, let me concentrate now on after July 14th.

You became aware on that day or soon thereafter that Mel Weinberg had spoken with Mayor Errichetti and with my client, Lou Johanson on the phone for the purpose here of proposing a casino deal in Atlantic City, is that correct?

A Correct.

Q And you became aware, too, that Mr. Weinberg invited the mayor, Lou Johanson, at least his partner, Howard Criden and some others down to the boat in Florida, is that correct?

A Yes.

Q And you received them there on July 26th, is that correct?

A Correct.

Q All right.

You gave some testimony this morning about

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sort of a bifurcated meeting.

There was one on a lower deck and one on an upper deck.

Do you recall that?

A Yes.

Q And you used G16 either today or yesterday and you explained to the jury that you had that briefcase with the Nagra tape recorder at the first part of the meeting and that you recorded the first part of that meeting.

Am I correct?

A Yes.

Q And before these two gentlement arrived that Mayor Errichetti, Johanson, Criden and Mr. Meiler, had you formed a notion in your mind to talk about the immigration problem?

A Before they arrived?

Q Yes.

A Yes.

Q Indeed, you talked to Mr. Best about it, did you not?

A Mr. Best?

Q Yes.

A No.

Q I beg your pardon. It is John Good; did you not?

A No.

Q You didn't talk to John Good about it?

A Not until later on.

Q Did you have video tape equipment on the boat that day?

A Yes.

Q But you didn't use it, did you?

A It was turned on.

Q We don't have any video tapes in court today do we?

A It didn't come out, turn out.

Q Did you have a technician there to run it?

A No.

Q Let's go back -- my colleague, Mr. Ben-Veniste, gives me some testimony that you gave in Philadelphia.

Do you recall testifying there?

A Yes.

Q Did you talk with John Good who was then your supervisor about the immigration notion?

A Are you asking me a question?

Q Yes.

A Yes.

I talked to him after. I testified there that I talked to him before Mr. Good refreshed my memory and I didn't call him until after the meeting on the boat.

MR. DUFFY: May I have a moment, sir?

THE COURT: Yes.

(Pause.)

Q Are you sure you talked to John Good about it the day fter the meeting?

A Yes.

Q Answer audibly.

A Yes.

MR. DUFFY: May I approach the witness, sir?

THE COURT: Yes.

Q I show you what I represent to be a transcript of your testimony in Philadelphia on July 17, 1980, and ask you to read from the top down to about halfway down the page to yourself.

(Handed to witness).

Q Have you read it?

A Yes.

Q Is that the testimony you gave under oath in Philadelphia?

A Yes.

Q Wer you asked in connection with the sheik immigration deal:

"Question: Did you discuss that with your supervisor?

"Answer: John Good, yes.

"Question: When did you discuss that with John Good relative to the meeting you actually had?

"Answer: The day before."

Is that what you said in Philadelphia?

A Yes.

Q Her you say the day after, is that right?

A Yes.

Q Pick one for the jury, sir; which one?

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q What is the truth as far as your recollection is concerned?

A It was the day after.

Q So in Philadelphia you were mistaken?

A Yes.

Q You were asked, too, where did that conversation take place, and you sayd by teelphone between myself in Florida and him in New York.

A Yes.

Q Is that right?

A Yes.

Q Was it your idea or Mr. Good's idea and the answer was, it was my idea from reading it. The para mount thing that worked in my mind, it appeared in the morning of the 25th in the Miami Herald.

Is that right?

A Yes.

Q Isn't it so afte ryou read that the morning of the 25th in the Miami Herald you called Mr. Good?

A No.

Q You went ahead and promoted this new scheme in ABSCAM on your own, is that right?

A Correct.

Q You didn't clear it with your supevisors at all?

A Correct.

Q Just you and Mel?

A Just me.

Q Was Mel present during the conversation on the yacht?

A On the 26th?

Q Yes.

A Yes.

Q Now, tell the jury who was present during the conversation that you say was the embryo of this involvement with the politicians that brings us here to court.

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q Tell us who was presen when you had your conversation on the upper deck, the one that was not taped?

A Myself, Mr. Weinberg, Mr. Criden and Mr. Errichetti.

Q Johanson was not even there, was he?

A He was on another part of the boat.

Q The answer is yes, he was not there; is that correct?

A Yes, he was not there.

Q Criden had no part in that conversation, did he?

A No.

Q It was a conversation then limited to the conversants being you, Mel and Angelo Errichetti; is that right?

A I would limit it to Mayor Errichetti and

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myself.

Q So Mel didn't even have anything to say?

A Correct.

Q Now, you had a Nagra recorder on the boat, did you not?

A Yes.

Q And you could have, and I am not addressing this question to your discretion at that time but more to your ability.

You could have taken that Nagra recorder up on the top deck with you, could you not?

A No.

Q You could not have brought the briefcase up-stairs?

A No.

Q It would have, it is your position, looked out of the ordinary?

A Yes.

Q You could have brought up the conversation as you premedicated the day before about immigration problems with these people in the area where the tape recorder was on, could you not?

MR. PUCCIO: I object as to form, Judge.

THE COURT: Overruled.

A Could you repeat that?

MR. DUFFY: I am not sure I an.

THE COURT: Do you want it read?

Q You could have brought this conversation about immigration up when you were in the room where the tape recorder was, is that right?

A Yes.

Q And you turned the tape recorder off, isn't that right, after you had completed a conversation about a legitimate deal?

A Yes.

Q Now, tell the jury about this deal that Lou Johanson and Howard Criden proposed to you.

It was a legitimate business deal, was it not?

A Yes.

Q No question about that, is there?

A Yes.

Q There is a question about that?

A No. It was a legitimate business deal.

Q You had a policy then in the Abdul Enterprises endeavors, did you not, to dismiss out of hand, as it were, people who came to you with legitimate deals, isn't that right?

A Correct.

Q Wasn't that the basis upon Mr. Weinberg's old scam of taking people who needed to borrow money and milking them of money?

A I don't know.

Q You don't know what he did before you met him?

A I don't know how he handed himself before I met him, no.

Q Have you dealt with fraud in your experience in the bureau?

A Yes.

Q Do you know the old scam where the fellow says I can get you a loan, and he takes the person who needs money and he says, if you watn to borrow $100,000 give me $5,000 up front and I'll get the money for you?

MR. PUCCIO: I object.

THE COURT: Overruled.

A Correct.

Q You know that scam, don't you?

A Yes.

Q And then the con man swallows the $5,000, is that right?

A Yes.

Q And you were not aware that Weinberg had indeed rujn that scam to the tune of $200,000?

A No.

Q But you were certain or you took steps to be sure that that would not happen in the ABSCAM, isn't that righr?

A Correct.

Q Because you put the word out to sharpies and hustlers around about that Mel Weinberg was back and that he had Arab money, that was part of your scam, was it not?

A Yes.

Q And that was to attract hustlers and sharpies and maybe criminals, isn't that right?

A Yes.

Q But you knew that you would have to attract some decent law-abiding citizens, isn't that right?

A Correct.

Q And when you got that, your policy was to dismiss them so as not to delay them unduly in their business endeavors to borrow money legitimately, isn't that correct?

A Yes.

Q And you had Lou Johanson come to you and

he was identified as a city councilman from Philladelphia, is that right?

A Yes.

Q And Howard Criden came to you and he was identified as Lou's law partner, is that correct?

A Yes.

Q And you looked at the deal they had to get financed and you said, and so did Mel Weinberg, this is legitimate, isn't that right?

A Correct.

Q But you didn't dismiss it as out of hand, did you?

A There was some conversation concerning --

Q Answer my question, Mr. Amoroso.

You didn't dismiss it, did you?

A No.

Q As a matter of fact, from the 26th of July of 1979 until the 2nd of February, 1980, you strung them along, didn't you?

A Yes.

Q Now, tell this jury whether or not when you plugged in with Mel Weinberg there were any rules or regulations as regards his taping conversations.

A He was supposed to tape whatever he could

tape.

Q What do you mean by whatever he could?

A If he had the means and accessibility to tape he was to tape.

Q Let's address ourselves to that for a moment.

If Mel Weinberg was driving down Highway 95 and he stopped to a phone booth and dropped a dime to call someone and had no tape recorder with him he could not tape that one.

Is that what you are talking about?

MR. PUCCIO: I object.

THE COURT: What grounds?

MR. PUCCIO: It's irrelevant; hearsay.

THE COURT: Overruled.

Q Would that be one of the exceptions about which you spoke?

A It could be.

Q If Mel Weinberg called someone and intended to have a conversation that touched upon the ABSCAM, was he directed in all cases to tape that conversation?

A Yes, he was.

Q And that was with out exception, was it not, sir?

A Here again, when he could.

Q Right.

We will put aside the cases when for example he had no tape recorder.

But if he had a tape recorder and he had tape and he had a mark that he was reaching on the phone, was it not mandatory that he tape the conversation?

MR. PUCCIO: I object as to form.

THE COURT: I take it it is the word mandatory that you are objecting to.

MR. PUCCIO: I always object to the word mark, Judge.

THE COURT: As to the word mark, overruled.

As to the mandatory, I am not sure what it means in the context of the relationship here.

Would you rephrase the question?

MR. DUFFY: Let me withdraw the question and ask a foundation question or two, your Honor.

Q In the hierarchy of ABSCAM, if we were to draw a table of the capacities, where would you have ranged as opposed to Mel Weinberg? Were you his boss?

A Correct.

Q You were his supervising agent?

A Correct.

Q So you could give him orders, could you not?

A Yes.

Q Did you ever give him an order, Mel, tape any conversations you have with anyone with wholm we are doing business in ABSCAM?

A Correct.

Q Did you say to him tape every conversation you have with anyone with wholm we are doing business in ABSCAM?

A I left the discretion on a number of conversations of some of the things he was to do up to him.

Q Like what?

A Like what?

Q Like tell the jury, like what?

A Depending on whom he was dealing with at the time.

Q Like whom?

A I don't have the name.

Q Was he directed to tape every conversation that he had, not that he had with all of them, or any of them but with the four defendants in this case?

A Yes, he was.

Q If he ever called Errichetti the order was, tape him?

A Yes.

Q If he called Ozzie Myers, tape him?

A Yes.

Q Lou Johanson, Howard Criden, tape them?

A Yes.

Q So if he didn't take them when he was able to tape them then his failure to tape them would have been a breach of your rule, is that right?

A Yes.

Q What was your instruction to Mel Weinberg about care of the tapes or surrender of the tapes once they were made?

A He was to care for them until such time as I picked them up or other agents picked them up or he traveled to New York and then to turn them over to somebody in the Hauppauge Resident Agency.

Q Tell this jury, Mr. Amoroso, let's restrict ourselves to allegations in this case, from the 14th of July, 1979 until, let's run it up to November, 1979, how much of that time did you spend on a day to day basis with Mel Weinberg?

A It's difficult to say. I don't know.

Q Do you have any records?

A Of how much time I spent with him?

Q Of your whereabouts, of Mel's whereabouts?

A No.

Q Can you give the jury an idea of how much time you and Weinberg spent together?

A Probably 50 percent of the time.

(Continued on next page.)

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Q All right. He was busy during that four or five-month period making tapes on a day-to-day basis, was he not? Perhaps not every day.

A Correct.

Q When he made those tapes on the 50 percent of the time that you were with him, did he always hand them over directly to you?

A It could have been myself or another agent who was present.

Q Was he allowed to hold on to them any longer than it was necessary to take the tape out of the machine?

A When he was in my presence, no.

Q If he made a telephone call, let's say to Mayor Errichetti, and I hate to keep picking on him -- but if he made a telephone call to Mayor Errichetti and you were not there, whose word would you have to go on as to whether or not the conversation was taped?

A Mr. Weinberg.

Q We, you, the FBI, this jury would have to rely on Mr. Weinberg's word, is that right?

A Correct.

Q Do you know whether Weinberg ever taped conversations that he had with you?

A With me?

Q Yes.

A Not to my knowledge.

Q Except for the ones that were taped, the ones that -- I do not want to offend Mr. Puccio -- the ones where you had TV cameras set up, or bugs set up in advance, where you were both participants with others --

THE COURT: Are you asking whether Mr. Weinberg taped those?

MR. DUFFY: Yes, sir.

A No, sir, he didn't tape anything that I know of.

Q Do you have any information you can tell the jury about the four tapes that were lost?

A No, sir.

Q Do you know that Mel Weinberg says he lost four tapes?

MR. PUCCIO: I object, Judge.

THE COURT: Do you intend to go into this in any detail?

MR. DUFFY: No, sir. It was a witness who was close to him and I thought we might find something out, your Honor.

THE COURT: I assume that is the purpose of every question. But it doesn't bear on admissibility.

But I will overrule the objection for this particular question.

Q Is there anything you can tell us to shed any light on the missing tapes?

A No, sir.

Q Do you know of what they were tapes? What conversations? With whom?

A No, sir.

Q On direct examination, either then or when Mr. Ben-Veniste examined you on voir dire, you were asked a question of whether or not you knew an attorney Cuti?

A Yes.

Q He was present during at least part of some recorded conversation, was he not?

A Correct.

Q You said he was there on another matter?

A Correct.

Q Did you make inquiry of Mr. Weinberg about his relationship with Cuti?

A Yes, sir.

Q Didn't Mr. Weinberg tell you that Cuti represented him in Pittsburgh when he got the FBI to help him with the probation deal that led to ABSCAM?

A No.

Q Are you telling this jury that you don't know that Cuti was Weinberg's lawyer?

A He represented him at that time. He did not represent him at the time we had the meeting.

THE COURT: I don't understand your answer, Mr. Amoroso, when you say "that time."

THE WITNESS: Well, Mr. Cuti, from what I understand, represented Mr. Weinberg during the time that he was in trouble after a period of time, and then he got another attorney. And at the time we had the meeting that was taped Mr. Cuti, to my knowledge, wasn't Mr. Weinberg's attorney.

Q But what you do know and you are telling the jury, that you knew then that Cuti had once, let us put it that way --

A Yes, sir.

Q (Continuing) -- been Mr. Weinberg's lawyer?

A Yes, sir.

Q Now, we reviewed this morning a tape, or perhaps some of it was even this afternoon, a tape depicting Congressman Myers and Mayor Errichetti both in a hotel room.

I have noted that there are some time gaps on the tape, but I'm not going to quarrel with you about that, but there were times when we were going from the

preamble to the arrival of the Congressman, and so forth.

And did you make -- excuse me -- did you make a written report, a 302, for either of those two meetings or both of them?

A No. The only thing I did was produce the transcript.

Q What do you mean by that? You listened to the tapes and dictated the transcript?

A I prepared the transcript of those two meetings.

Q When did you prepare the transcript?

A I don't know. Subsequent to the meeting. I don't know when.

Q Well, it wasn't the next day?

A No, sir.

Q Or ten days thereafter, or one month, or two months, was it?

A No, sir.

Q It was months and months later, wasn't it?

A Correct.

Q You made the tape, it was on the left hand, the audiotape, did you not?

A Yes.

Q You dictated a 302 of the events on the left

hand on the 26th of July, did you not?

A Just the unrecorded portion.

Q But you didn't dictate any 302 about the meeting with Congressman Myers? There is no writing? No memorial?

A None other than the transcript.

Q So you don't have any explanation for the jury as to Mel Weinberg's whereabouts, for example, during the break in the two tapes, the end of the first meeting and the beginning of the second meeting?

A He was with me.

Q He was in the room? He stayed in the room?

A Yes, sir.

Q Did you see the videotape this morning?

A Yes, sir.

Q Did you see that you were the only one who was in the room, at least in camera range?

A He was there with me.

Q I am asking you what you saw. Did you see Mel Weinberg?

A Which video?

Q The video of the end of the first meeting.

A Yes, sir.

Q Did you see Mr. Weinberg in there? I didn't

see him. I am asking you.

A We walked both Mr. Errichetti and Congressman Myers to the door.

Q Do you deny that Weinberg left the room?

A Yes.

THE COURT: Are you saying that he remained in the room until the second video tape began?

THE WITNESS: Yes. During the five minutes between videos he was with me.

MR. DUFFY: Just a few more questions.

Q You testified on direct examination that all of the employees of Abdul Enterprises were FBI agents except for Mr. Weinberg, and he was an employee of whatever kind. He was a special employee of the FBI, is that right?

A He was an informant.

Q He was a what, sir?

A He was an informant.

Q He was called a special employee, wasn't he?

A Not by me.

Q He was paid regularly, was he not?

A Yes.

Q Up to -- he got up to as high as -- he was making $5,000 a month?

A Yes.

Q Were the pay checks made out, Abdul Enterprises to Mr. Weinberg?

A I don't know. I didn't handle that.

Q Was yours?

A Was mine?

Q Did you get a pay check from Abdul Enterprises?

A No.

Q So Abdul Enterprises really didn't have any employees, did it?

A Yes.

Q Was it ever incorporated?

A No.

Q Did it write any checks?

A I don't know. I wasn't -- I didn't handle that. Another agent handled that end of it. Maybe --

Q Did you get a W-2 --

MR. DUFFY: Excuse me. I interrupted you. I am sorry.

A (Continuing) -- I would assume that there had to be some checking account or whatnot because we had to pay the bills on the office we were renting, and what not, so I assume that.

Q Did you get a paycheck every week from Abdul

Enterprises?

A No.

Q Did you get a W-2 form in January of 1980 or February?

A No.

Q From Abdul Enterprises?

A No.

Q Do you know anyone else who worked for the government who did?

A No.

Q So if you were employees of Abdul Enterprises you were pretend employees; is that what you are telling the jury?

A Yes, that is right.

Q Because there really wasn't any company, was there?

A No.

Q Now, on tape No. 3 at page 2 --

MR. PUCCIO: May I please have that again?

MR. DUFFY: Tape 3, page 2.

MR. PUCCIO: Thank you.

MR. DUFFY: Just a few little points that I would like to accentuate for the jury.

Q (Continuing) Howard Criden says, just a

little north of the middle of the page:

"Q When you do that first candidate job, where you gonna do that..."

Do you see that?

A Yes.

Q Candidate was the name that you folks used for politicians to be brought in; is that right?

A That was -- during that first conversation was the first time I heard it. It was brought up by Mr. Criden.

Q I am not really concerned with who brought it up.

Is that correct?

A Yes.

Q That word was used regularly to refer to politicians who had to be brought in for meetings?

A Yes.

Q Or at least one as to whom there was potential?

A Correct.

Q Howard says: "When you do that first candidate job, where you gonna do that, up in your place?"

Do you know what he meant by "up in your place"?

A Yes. I assume he meant at our office in

Holbrook.

Q Where is that?

A Out in Long Island.

Q And Weinberg says: "No, no, no. I don't even want it in the office. We'll get a suite of rooms in a hotel."

Then he goes on and says: "...we'll take it maybe near the, near the airport, near Kennedy or LaGuardia some place." Is that right?

A No, I said that.

Q Oh, you say that.

Had you talked about that beforehand with anyone?

A Yes.

Q With whom?

A With Mr. Goode.

Q Was it Mr. Goode's idea to have it at Kennedy or at LaGuardia?

A No, it was a joint -- I don't know whether it was mine or his. It was a joint decision.

MR. DUFFY: No, just a few final questions about Lou Johanson.

Q You met him on the boat down in Florida where he came to bring you a legitimate business proposal in his

role as a lawyer for a property entrepreneur?

MR. PUCCIO: I object. It has been asked and answered, and also calls for a legal conclusion as to what the word legitimate means, which this witness is not qualified to say.

Q (Continuing) Isn't that right?

THE WITNESS: Will you repeat the question.

Q You met Lou in Florida on the 26th on the boat in his role as a lawyer for a client who wanted to get funding for a legitimate business deal to build a hotel; is that right?

A Right.

Q He was there as a lawyer, wasn't he? There is no question about that?

A Yes.

Q There was a conversation on the boat that had to do with immigration and he wasn't even there; isn't that right?

A Correct.

Q On that day when he left there and perhaps even to this, have you ever seen him anywhere else?

A No, sir. Just today.

MR. DUFFY: That is all.

* * *

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NONE			

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 14, 1980
9:45 O'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
OFFICIAL COURT REPORTER

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* * *

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* * *

THE COURT: Thank you. You may proceed.

MR. BEN-VENISTE: Thank you, your Honor.

Good morning.

Q Mr. Amoroso, you say the idea for the immigration aspect of ABSCAM, that is, to try to see whether you can get Congressmen, congressmen to take money for doing something in connection with immigration occurred to you on the 25th of July after you read something in the newspaper?

MR. PUCCIO: Read it back, please.

(Record read.)

THE COURT: Sustained as to form.

Q Do you remember saying that the idea about the immigration came to you when you read a newspaper on July the 25th?

A Correct.

Q Something about the dictator of Niagara,Samosa?

A Correct.

Q You invited Mr. Johanson to come down to the boat in Florida on July 14th, right?

A Correct.

Q So that was well before you even had the idea of embellishing this scam in this way?

MR. PUCCIO: I object.

THE COURT: What ground?

MR. PUCCIO: Form.

THE COURT: Overruled.

You may answer.

A Would you repeat it.

MR. BEN-VENISTE: Would you read it back?

THE COURT: Yes.

(Record read.)

A I don't know what you mean by embellishing a scam.

Q Adding the immigration side to ABSCAM.

You invited Johanson down before you even had the idea about the immigration scam?

A Correct.

Q Now, the purpose of Mr. Johnanson coming down, he said he was going to bring his law partner, Mr. Criden was to discuss a legitimate hotel deal?

A Correct.

Q When they got down there did Mr. Criden turn over to you any kind of documents in connection with the hote deal?

A Yes, he did.

Q And do you remember what those were?

A I believe they were blueprints and schematics of what a casino would look like.

Q Was there also a feasibility study?

A I don't recall that.

Q Would you deny that he presented you with a booklet that was called a feasibility study?

A I am not denying it. I don't recall it.

Q Let me show you what we have pre-marked as Defendnat's B.

MR. BEN-VENISTE: I see we have the exhibit sticker upside down.

MR. PUCCIO: May I inquire if that is the

same document that he turned over to the defense or is it another copy?

MR. BEN-VENISTE: We took it right from that stack over there on your table, Mr. Puccio.

MR. PUCCIO: Thank you.

THE COURT: Is there a question about the document?

MR. BEN-VENISTE: I asked the witness whether he can identify that document, Exhibit B, your Honor, as the feasibility study -- I am sorry, as the blueprints which were turned over.

Q Turned over to you by Mr. Criden, Mr. Johanson on the yacht?

A Correct.

MR. BEN-VENISTE: I would like to offer them at this time, your Honor.

MR. PUCCIO: No objection.

THE COURT: Received in evidence.

THE CLERK: Mr. Ben-Veniste, please.

(Handed to clerk.)

MR. BEN-VENISTE: Your Honor, may I exhibit those to the jury?

THE COURT: Yes.

MR. BEN-VENISTE: It might be easier if --

Mr. Levy, would you come over here for a second because these are all rolled up.

Just hang on to that edge and I'll look less clumsy than I usually do.

There are several pages, your Honor, and they are all contained within Exhibit B.

Can everyone see?

(Document exhibited to jury.)

MR. BEN-VENISTE: Thank you, your Honor.

Q Now, Mr. Amoroso, there was no question in your mind that this was a real project, a real hotel project?

A Yes.

Q And indeed you knew that Mr. Criden and Mr. Johanson in their law firm stood to make a substantial fee of profit if in fact this proposed construction went through?

A I would assume so.

Q But you knew it, didn't you?

A If they got the funding from us.

Q Right.

And you encouraged them on that day and subsequently as to the ability to obtain those funds?

A No.

I would say we didn't encourage them. We told them that we would do what we could.

Q Yes.

A But they --

Q Did you think that was encouragement or did you think that that was discouragement, to say that you would do what you could?

A I would say that it was both.

Q I see.

A A package --

Q Didn't you tell them that you would take the package, meaning these plans in the feasibility studies to London and to show it to the sheik?

A Yes.

Q Now, one of the principles of ABSCAM was to make it appear that these Arabs were fabulously wealthy, is that correct?

A That's correct.

Q Indeed, aside from the boat and down in Florida, and that was not supposed to be the only boat these Arabs owned, was it?

A Offhand, I don't recall.

Q They had airplanes, didn't they?

A Correct. You said boat.

Q Right.

In addition to that boat they had airplanes?

A Correct.

Q They had limousines?

A Yes.

Q They had various businesses all over the world?

A Correct.

Q And you at the FBI took some precautions to make it look quite real that they had all this money, didn't you?

A Correct.

Q As a matter of fact, you convinced someone at the Chase Manhattan bank to say whether there was any inquiry made of these Arabs that they had some $400 million just in the Chase Manhattan Bank on their account, isn't that right?

A That's before my involvement.

Q Did you know that, sir?

A I knew we had an account at the bank.

Q Didn't you know that there was a Mr. Elzay at the bank who was going to say if anybody made any inquiries about these Arabs that they had some $400 million just on deposit in this bank?

A I knew about Mr. Elzay. I didn't know what the figure was.

Q You didn't know the figure?

A No.

Q But you knew it was a stupendous figure?

A A substantial figure, right.

Q And the purpose of that was to lend further credibility to the fiction that these Arabs had a fabulous amount of money?

A Yes.

Q And here is just one bank account?

A Correct.

Q As a matter of fact you told Mr. Criden that a transaction of a couple of hundred million dollars was not a big deal as far as these Arabs were concerned, didn't you?

A Correct.

Q Now, I think the exhibit in evidence -- let me just check this to be sure -- the jury has been shown a portion of the transcript and heard a portion of the tape of August 7, 1979, which was the meeting in which you participated, Mr. Weinberg participated, Mr. Criden participated, and Mr. Errichetti participated.

Do you recall that, sir?

A Yes, I have it.

Q And of course that is not the whole conversation?

A Correct.

Q Now, let me show you what has been marked as Defendant's Exhibit A --

MR. PUCCIO: May I have the number?

MR. BEN-VENISTE: Page 100.

MR. PUCCIO: What document?

MR. BEN-VENISTE: August 7th.

MR. PUCCIO: Judge, I believe that is already marked as a 3500 exhibit.

MR. BEN-VENISTE: Well, it's Defendant's Exhibit A, your Honor, this one page, which I would like to supplement the transcript of.

THE COURT: It is your intention to mark as Defendant's exhibits all the 3500 material that you are going to offer in evidence?

MR. BEN-VENISTE: No, sir. I don't know whether -- I am going to only supplement at this point, your Honor, with this witness, this document. So the answer to your question as to this document is yes, I thought it would be the easiest way to mark it and offer it. If your Honor has a different practice I am amenable to it.

THE COURT: I don't know why a document should be marked with two identification numbers.

MR. BEN-VENISTE: We are not putting in the entire 3500 exhibit.

THE COURT: I have no problem with it.

MR. PUCCIO: Judge, if I may, there are several for that date and I would like to, if I can --

MR. BEN-VENISTE: If it helps it is the same as your Exhibit 3, Mr. Puccio.

THE COURT: 3?

THE CLERK: 3500.

MR. PUCCIO: 3 is a portion.

MR. BEN-VENISTE: 3A, your Honor, is a portion of the transcript of Exhibit 3, of the full transcript of Exhibit 3. I cannot offer it as a government's Exhibit, your Honor, so I am offering it as defendant's Exhibit A.

THE COURT: I am confused as to what it is now.

You say it is one page that is already in evidence?

MR. BEN-VENISTE: It is not in evidence, your Honor. It was not included in the selection that Mr. Puccio made of the extract of the tape recording of that day, sir.

THE COURT: This is one page of the transcript of a conversation of which Exhibit 3 is another portion.

Is that correct?

MR. BEN-VENISTE: Exhibit 3 is the tape recording of the whole conversation.

THE COURT: This is a portion of Exhibit 3?

MR. BEN-VENISTE: Yes. I know it is a little confusing.

MR. PUCCIO: Judge, it is 3500-105A in our exhibit list.

MR. BEN-VENISTE: Her is what we are talking about.

THE COURT: All right.

Now it has been triply identified.

Is it being offered in evidence?

MR. BEN-VENISTE: I have asked the witness to identify it and see whether it appears to be the transcript that he prepared of that portion of the transcript that was prepared of that meeting.

THE WITNESS: Yes, it is.

MR. BEN-VENISTE: I offer it, your Honor and I ask that the transcript be circulated to the jury at this time.

MR. PUCCIO: Judge, I would like the opportunity to have this compared by the witness to the original tape before this page is offered in.

MR. BEN-VENISTE: I believe this witness testified that he made this transcript. It comes from the transcript that you gave us, Mr. Puccio.

THE COURT: Is there a question of whether this is a copy of the documents supplied by the government?

MR. PUCCIO: Supplied by us, your Honor. But the ones that we offered were checked directly by this witness line for line.

These I would want to make a comparison.

MR. BEN-VENISTE: If there is any change, your Honor, can we do that later?

MR. PUCCIO: Judge, that is acceptable. If we have any problem after it is offered we will offer the original tape for that portion, and if that is agreed, no problem.

THE COURT: I don't know how much of this sort of thing we are going to run into. But I will instruct the defendants to give notice to the government of what it is they are going to offer

so that the government will have an opportunity to compare in advance and work out these problems so they will not take the jury's time or money.

MR. PUCCIO: Thank you, Judge.

MR. BEN-VENISTE: Your Honor, to explain it this is a page from the transcript that Mr. Puccio gave to me so I don't understand what the comparison would be, but we will do that.

THE COURT: There are degrees of examination that I understand as to comparison. There may or may not be problems that are reviewed by one side with lesser importance and it may be intensively examined by the other side.

In the interest of just expediting things in general by lunch time today notify them what you intend to use this afternoon and get ahead of the game.

MR. PUCCIO: That will be fine.

MR. BEN-VENISTE: Thank you.

THE COURT: We will receive Exhibit A in evidence subject to a possible qualification.

MR. BEN-VENISTE: Thank you, your Honor.

I apologize for the confusion. And I would like to at some point be able to supplement the

jurors' books with this material. We don't have a hole puncher but if it is acceptable we would like to do that.

May I circulate this to the jury, your Honor?

THE COURT: Yes.

THE CLERK: Some jurors raised their hands.

MR. BEN-VENISTE: I thought we had twenty copies.

THE COURT: Do all the jurors have copies now?

All right, proceed.

Q Now, does it appear the same, Mr. Amoroso, starting in the middle of the page where Mr. Criden asked you about --

A I don't have a copy. You took mine.

THE COURT: Take mine.

MR. BEN-VENISTE: If I can approach the witness, I can ask the questions from here.

THE COURT: Yes.

Q Now --

THE COURT: I think it will be better if he takes mine and you ask your questions from back there.

MR. BEN-VENISTE: Yes, your Honor.

Q Do you recall Mr. Criden asked you around the middle of the page, in the over-all scheme of things, how big is this deal to you guys?

Is it a deal that they can handle without sweat?

Now, the deal they were talking about, he was talking about was this hotel construction deal; is that correct?

THE WITNESS: Yes. I would assume so.

Q And your answer was yes.

And Weinberg says, money-wise?

And Mr. Criden says, money-wise, that's what I figured. It probably is not a major transaction. No, it is not a major transaction.

Mr. Criden said, I would assume a major transaction to them is a couple of hundred million dollar transaction.

Mr. Weinberg said, that is not even a major transaction.

Is that correct, sir?

A Correct.

Q Thank you.

Incidentally, when you made the excerpts from the tapes that you have testified about, you didn't

make the excerpts on your own, did you?

That is, someone told you what to excerpt out of the major tape, the full tape?

MR. PUCCIO: I object.

THE COURT: What grounds?

MR. PUCCIO: Relevance.

THE COURT: Overruled.

Q You may answer.

A Yes.

Q Who told you what portions to leave in and what to leave out?

A Mr. Puccio.

Q Now, you testified that you knew Mr. Johanson and Mr. Criden were very serious about this hotel deal and it meant a lot of them.

When you invited them down to Florida, is it not a fact, sir, that you knew that you never intended to go through with that hotel deal?

A Correct.

Q No question about that, is there?

A No.

Q Now, I have a note and we can go back to it if you don't recall, but at the very beginning of the tape that was played in the Myers' meeting oi August 22nd,

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the video tape, you were with someone else in the room.

Do you remember who else was on the camera for just a moment with you?

A It was probably one of the other agents involved. I would have to look at it again to see who it was.

Q It was just testing the camera at that point?

A It could have been or he was just there -- or he was standing there while they were testing.

I don't really know.

Q It was your practice, was it not, though, that whenever you were alone or whenever you were with Mr. Weinberg and Mr. Weinberg may have been telling you something about what he had done, that you would not record that?

A What he had done in relationship to what?

Q To the investigation.

For example, on August 22nd Mr. Weinberg, while you were standing in front of the cameras, saying I have here a briefcase and so forth, your prologue, Mr. Weinberg was somewhere else, wasn't he?

A At that time I believe he may have been in that room. Either that or in the adjoining room.

Q Didn't he leave before the meeting actually

started?

A Yes, he did.

Q Now, you never got a report from him that you taped concerning what he did while he was gone, did you?

That is the focus of my question.

A I never taped anything of Mr. Weinberg.

Q Okay.

Did I miss any of the things that you told these individuals about the sheik's holdings, what kind of businesses these Arabs were in?

They were in the oil pipelin business, weren't they, according to what you are telling people?

MR. PUCCIO: I object as to form, Judge.

THE COURT: Sustained.

Q What business did you make up for this fictitious sheik?

A Offhand, I don't recall. I think that you mentioned most of them.

Q Well, the oil pipelin business, right?

A Yes. But I think we were not handling oil. I think on one of the conversations Mr. Weinberg --

Q Obviously you could not produce any oil.

A We could not produce anything.

Q What other business? Did you say he was in the shipping business at some point?

A Sure did.

Q And the coal business?

A I believe so.

Q And in the hotel business, that he owned other hotels around the world?

A Possibly.

Q What else? Anything else that you can think of?

A No.

Q Anything that basically came to mind to you was in it.

Is that fair to say?

A Could possibly be.

Q Now, Mr. Weinberg was allowed to go up and make tape recordings of conversations when you were not physically present, correct?

A Telephone calls are you referring to?

Q Yes.

A Yes.

Q And I think Mr. Duffy elicited yesterday the only way you would know whether he actually taped a telephone conversation is if he told you he taped it?

A Yes.

Q Did you listen to all those tapes of conversations at about the time he made them?

A No.

Q You didn't review them at that time?

A No.

Q But you have reviewed some of them since that time?

A Some of them, yes.

Q Is it fair to say that basically you took Mr. Weinberg's word at what had occurred in the conversations where you were not present?

A Of the ones I listened to or didn't listen to?

Q No, at the time, let's say, in July, August or September, et cetera, when Mr. Weinberg would tell you, I called Mr. Criden or I called Mayor Errichetti, and this is what happened, instead of laitening to the tape you took Mr. Weinberg's word for what happened?

A Yes.

Q You sort of swapped information?

A No. I accepted information from him.

Q Okay.

When was the first time you started to listen to the tape recordings that Mr. Weinberg had made

on his own back in July and August of 1979?

A I don't think I personally listened to those for quite some time.

Other agents from the resident agency --

Q I am talking about you.

A Possibly two weeks. I can't give you a time factor.

Q Two or three weeks ago?

A No. Two or three weeks after he made them. When we got back up to New York, if he made the phone calls in Flordia I didn't listen to them until perhaps we got back to New York.

Q Did you listen to them all at the time?

A The pertinent ones I listened to, what I consider to be pertinent.

Q How did you know they were pertinent unless you listened to them?

A From what Mr. Weinberg says.

Q You took Mr. Weinberg's word for them?

A Yes.

Q Did you listen to the tapes from Jjly 29th and July 31st, 1979 at about the time they were made?

A I believe so.

Q Now, Mr.Weinberg told you -- strike that.

You instructed Mr. Weinberg to tape all his conversations, right?

A Yes.

Q And he was certainly under that instruction on July -- in July 1979?

A Yes.

Q Now, sir, you didn't give him permission to only tape a portion of a conversation, did you?

A No.

Q He was supposed to tape it from the beginning to the end?

A Correct.

Q Now, is it not a fact, sir, when you reviewed these tapes you found with some frequency Mr. Weinberg didn't record portionsof the conversations?

A I don't think ilt is with some frequency. What do you consider frequency?

Q Often, several?

A Often?

Q Yes.

A Several and often is different to me.

Q Weren't there several conversations where you noticed that Mr. Weinberg didn't record the whole conversation?

A I disagre with what your terminology of the entire conversation is.

Q Well, sometimes when you listen to the tape you can tell that the beginning of the conversation was not recorded, couldn't you?

A Yes.

Q And sometimes you could tell that the end of the conversation was not recorded?

A I don't recall the end not being recorded.

Q Sometimes ybou heard a noise on the tape and then they were on to some other subject; is that correct?

MR. PUCCIO: I object, your Honor unless we are dealing with specific tapes or conversations.

MR. BEN-VENISTE: We can do that.

THE COURT: In any event, sustained as to form.

Q Were there times when you listened to a tape and you heard a jump from one portion of the conversation to something that seemed to be different?

A No.

Q You never heard any such tape?

A I never heard a jump from conversation to conversation.

Q Did you hear any noise on the tape that indicated to you that the taping had stopped and then restarted?

A I am not qualified to say whether it stopped or not.

Q Well, did it seem to you like there was an interruption in the tape?

A Yes.

Q Now, did you ask Mr. Weinberg, and let's deal with the conversations where they begin, the tapes where the beginning of the conversation was not on tape.

Did you ask him, Mr. Weinberg, or Mel, did you call him?

A Yes.

Q Did you say to him, Mel, what happened to you, why didn't you get the beginning of the conversation?

MR. PUCCIO: I object to form, your Honor. I also object unless the conversation that we are talking about is specified.

THE COURT: Overruled on both grounds.

MR. BEN-VENISTE: Thank you.

A Can you repeat that?

MR. BEN-VENISTE: Would you read it back, please?

THE COURT: Read it.

(Record read.)

A At that time, no. I knew why.

Q You were present when he didn't get the beginning?

A No.

Q Well, what did you know as to explain why he didn't get the beginning of the conversation?

A Well, you are referring to conversations with the mayor.

And what would happen in those conversations would be in order to get to the mayor you would have to go through maybe two secretaries, the initial operator, then a secretary and then possibly the mayor's secretary, and then to the mayor himself.

So on occasion what would happen was that Mr. Weinberg would not record that portion until the mayor actually got on the telephone himself.

Q I see

So what you were taking Mr. Weinberg's word for was the fact that he was saving the government some money in not using the tape at the beginning of that conversation?

A No.

I am not taking his word for it. It happened on a few other times where the mayor's secretary had been on and he had talked to her for a number of minutes before the mayor had come in, come on, an innocuous conversation that had no value.

Q But you told him to tape record the whole conversation?

A With the mayor.

Q So the only way that you would know that Mr. Weinberg didn't start taping at the beginning of the conversation is what Mr. Weinberg told you?

A Correct.

Q And you were inclined to believe what he told you?

A Correct.

Q Did you review the tape of July 29th, 1979?

A Did I review the tape?

Q Yes.

A Listen to it?

Q Yes.

A That is one of the tapes where the conversation doesn't begin right in the beginning of the conversation on the tape?

A Yes.

Q Do you understand what I am saying?

A I understand.

Q And the very first words that are spoken on that tape were spoken by Mr. Weinberg where he says, beautiful, what is his name? And Mr. Errichetti says, Myers.

Is that right?

A I would have to listen to the tape now.

Q Let me show you the transcript and see if that can refresh your recollection.

THE COURT: What exhibit number?

MR. BEN-VENISTE: Would somebody help me out on the 3500 list?

July 1979 and --

MR. PUCCIO: I hve it as 3500-91A. The tape is 3500-91.

THE COURT: Thank you.

What page?

MR. BEN-VENISTE: This is page 1, your Honor.

THE COURT: All right.

MR. BEN-VENISTE: May I approach the witness. I'm sorry, I have forgoteen his instruction.

Q Is that true, Mr. Amoroso?

A To the best of my knowledge, that is the way

it was.

Q The tape starts, beautiful, what is his name, by Weinberg, and Mr. Errichetti says, Myers.

Now, the only way you would know what happened before today, what Mr. Weinberg said to Mr. Errichetti and what Mr. Errichetti said to Mr. Weinberg are what Mr. Weinberg told you, right?

A Correct.

Q Okay.

Did Mr. Weinberg ever tell you that he was going to prepare Mr. Errichetti with a script or proposal for Mr. -- for what Mr. Myers should actually say when the actual taped meeting occurred?

A No.

Q Did you know that Mr. Weinberg was going to have some contact with Mr. Errichetti between the time of let's say July 26th and August 22nd when the actual tape production was made?

A Yes, we both did.

Q Now, did Mr. Weinberg ever tell you that he had told Mr. Errichetti that the congressman would never have to do anything but put on an act?

A No.

Q And you have been in the FBI how long, sir?

A 16 years.

Q And prior to this case you worked in an undercover capacity, did you not?

A Yes.

Q And on many occasions?

A A number of occasions.

Q And have you ever had any acting experience?

A No.

Q Is that a part of how to be a good undercover agent?

You get some training, don't you?

A No.

Q You never do?

A No.

Q It is just what you pick up?

A Yes.

Q Kind of extempraneous?

A (No response.)

Q On these tapes as compared to how you were really, you acted like a pretty tough guy.

Q Lecturn, please, Mr. Ben-Veniste.

MR. BEN-VENISTE: I'm sorry.

A That's your interpretation. I wouldn't say that.

Q Would you say you acted in a normal way you would be in normal conversations?

A I only saw one tape here and I don't think I --

Q You have seen the tapes, haven't you?

A Which ones are you referring to?

Q You have seen all the tapes that you have performed in?

(Continued on next page.)

A I don't think I have seen all of them but a number.

Q If you disagree with me, say so. I suggest to you that on those tapes you appear to be a pretty tough guy and you use obscenities from time to time and chomp on a cigar and so forth.

Is that your natural personality or is that one you would do in playing a role?

A No. I like cigars.

Q And you like obscenities and you frequently talk like that?

A No, not frequently. Occasionally.

A And you have a pretty rough demeanor normally in general conversations?

A I think you have to give me a specific as to what particular time you are referring to.

Q I'll drop that.

You said you spent about 50 percent of your time from the time that you got involved with Mr. Weinberg, and I think you said it was January of '79.

A Correct.

Q Until today?

A Correct.

Q And in that whole year and a half did you

ever discuss with Mr. Weinberg the nature of the fraud that he was convicted of in 1977?

A Other than the fact that he was convicted for being a swindler, okay, I think what we referred to yesterday, his terminology, advance scheme, I never went into depth with him about it.

Q Did you ever discuss with him the fact that part of his swindle that he got convicted of was to say that he had access to a large amount of Arab oil money?

A No.

I didn't know that.

Q You didn't know that until very recently?

A Correct.

Q And did you know whether he used the same idea of a phony sheik in that swindle?

A To my knowledge I don't know what that involved.

Q Where did the name of these two phony Arabs come from?

Who made those up?

A There again I don't know. When I came into the operation the names were already in existence.

Q One of them was Cambeer Abdul Romon?

A Yes.

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Q Did you know that this was basically the same guy that Weinberg said he knew in the other swindle?

A No.

Q Had you heard that the names were made up by Mr. Weinberg?

A No.

Q You had not heard that?

A No.

Q Did Mr. Weinberg ever tell you that he repaid the $200,000 that he swindled from people in connection with the 1977 conviction?

A I don't know anything about $200,000. I have never discussed it with Mr. Weinberg. I have no knowledge of it.

Q Did you -- did Mr. Weinberg ever tell you that he had lied to the FBI throughout the 1970s to cover up the illegal activities that he was involved in?

MR. PUCCIO: I objec,t your Honor.

THE COURT: What ground?

MR. PUCCIO: On the ground that it assumes facts not in evidence.

Also, your Honor, I would ask for a side bar.

THE COURT: Before we have the side bar,

let me hear the question back again.

(Question read.)

MR. PUCCIO: I will withdraw it, your Honor.

THE COURT: All right.

You may answer.

A No.

Q Did Mr. Good or anyone else tell you that Mr. Weinberg had lied to the FBIduring the seventies to cover up the illegal activities that he was involved in?

A No.

Q Did you know that Mr. Weinberg was working with the FBI in some capacity in the 1960s and 1970s?

A I didn't know that Mr. Weinberg was working for the FBI until sometime after I got into it. But I didn't know for how long or what period or what the details were.

Q Is it fair to say, Mr. Amoroso, that you didn't ever know anything more than what you were told about Mr. Weinberg?

A Not true.

Q Well, you never made any inquiry of him, did you?

A When I was brought into this --

Q Answer that question if you can.

Did you ever make an inquiry into Mr. Weinberg, the way he lived his whole adult life, how he supported himself?

A No.

Q All right.

Q Now, you were questioned about your past knowledge of Mr. Weinberg's past criminal activities on July 17th when you appeared before Judge Fullam in Philadelphia.

Do you recall that, in a hearing related to this case?

A Yes, I recall the hearing.

Q And I take it it was about July 17th, is that right?

The middle of last month?

A Yes, correct.

Q Since that time when you answered basically the same as you did here today, have you seen Mr. Weinberg on any occasions?

A Yes.

Q When was the last time you saw Mr. Weinberg?

A This morning.

Q And when was the last time before that?

A Yesterday.

Q How about last night?

A Yes.

Q And how about over the last couple of weeks?

A Continually.

Q Did you ever ask Mr. Weinberg what is all of this now about all this criminal activity that you have been involved in in the sixties or seventies?

A No.

Q Never did?

A No.

Q Isn't it fair to say that you don't want to know?

A I don't care. It has nothing to do with this case.

Q You don't care.

Now, incidentally, Mr. Weinberg is still under -- he is still on salary, isn't he?

A I assume so. I don't know that for a fact.

Q Really. I don't know that he is on salary, that he is being paid a salary?

A I don't know if he is still on. I assume he is.

Q When you left the courthouse last night you drove somewhere with Mr. Weinberg, didn't you?

A Yes.

Q Whose car was it?

A Whose car?

Q Yes.

A A government vehicle.

Q Was that the same government vehicle that was used during the undercover operation?

A No.

Q What is it?

A It's a black, I believe, Mark V.

Q Mark V Lincoln Continental?

A Yes.

Q And that is the car you used to get around in style?

A Whatever car they have available for me to use I use.

Q And that one happened to be available?

A Yes.

Q The day before I had a Cadillac.

Q Now, in your experience as an undercover agent in this case and before, you have worn a body recorder?

A Very few times.

MR. BEN-VENISTE: May I have Exhibit 17, please, Mr. Puccio?

MR. PUCCIO: Yes.

May I have the Nagra, please?

THE COURT: Incidentally, ladies and gentlemen, just for your information, after you left the courtroom yesterday we had some business with counsel, and part of that I admitted into evidence, both exhibits 16 and 17.

They have been marked for identification but they had been shown to you and so forth. They are now officially in evieence. 16 is the briefcase and 17 is the Nagra recorder.

(Pause.)

A I thInk they were in that metal case.

THE COURT: You'd better try something else, Mr Ben-Veniste.

MR. PUCCIO: We are getting that, your Honor.

MR. BEN-VENISTE: I can do that, your Honor.

Q Now, with respect to the procedures that you employed concerning the tape recordings that have been admitted into evidence, I think it's been established that you were extremely careful and meticulous that there will be notations as to when the tapes were logged in, logged out, when they were first made, et cetera.

A All but one that you had pointed out.

Q That one probably has two pages, and the first page of it is somewhere else, I assume.

A Possibly.

Q Because it picked up, it was picked up several months after the tape was made?

A Possibly.

Q Is that fair to say?

A Possibly.

Q Do you want to look inside and see which one that was?

I think it's Exhibit 2.

(Handed to witness.)

A What happened is I neglected to sign the top, the top one before it was entered.

Q Okay.

So that would show that it came in on or about the date you made it, August 6th of 1979?

A Yes.

Q But that was just a slight inadvertence on your part?

A Yes.

Q Nothing deliberate?

A No.

MR. BEN-VENISTE: Your Honor, I don't think

these envelopes have actually been offered, your Honor, 1B, 2B, 3B and 4B.

Am I mistaken?

MR. PUCCIO: We have no objection.

Is the entire tape being offered as well?

MR. BEN-VENISTE: Just the envelopes, your Honor, if we can have those to allow the jury to see how these are logged in and out.

THE COURT: You are offering the envelopes and not the contents of the envelope?

MR. BEN-VENISTE: Yes.

MR. PUCCIO: We have no objection to --

MR. BEN-VENISTE: I would like to be able to show them to the jury properly and they should not be shown unless they are in evidence.

THE COURT: Are the envelopes sealed?

THE WITNESS: Yes.

MR. BEN-VENISTE: Yes, sir.

MR. PUCCIO: No objection.

THE COURT: 1B, 2B, 3B and 4B are all received in evidence, but only insofar as the envelopes and those things attached to the envelopes are concerned.

The contents at this time are not admitted in evidence.

MR. BEN-VENISTE: May I just circulate them to the jury for a moment, your Honor?

THE COURT: Yes, of course.

Ladies and gentlemen, for the purpose of reviewing these and there may be other exhibits that were handed to you to examine, keep in mind that all the exhibits will be available to you during deliberations.

This is not your only opportunity to view them. I don't want to rush you in any way. You take as much time as you want, but you will have a further opportunity to examine them in the course of your deliberations.

Proceed.

Q Now, isn't it true, Mr. Amoroso, that sometimes eight to ten days went by before Mr. Weinberg turned the tapes that he was making in to you or in to some other FBI agent?

A It's possible.

Q Didn't you testify that that was the case?

A I gave a rough estimation of that, yes.

Q And that's true, isn't it, to your knowledge?

A To the best of my knowledge eight or ten days could be conceivable.

Q Now, there came a time, did there not, agent Amoroso, when you heard from Mr. Weinberg a story of his having lost some tapes?

A Correct.

Q And when did you hear that story for the first time?

A I guess the same day that he lost the tapes, when he came from Florida to New York.

Q What day was that?

A I believe it's January, the end of January sometime in 1980.

Q And he told you -- was he with anybody on this flight from the government?

A No.

I believe he came up from Florida alone.

Q And he told you that he had started out with some tapes and when he got off the flight and got up to the office they weren't there?

Is that what he told you?

A I don't knowwhether he told me directly or someone else told me.

Q Did he come up and produce some tapes, but

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not others?

A I don't recall. I don't think I was there at the time that he was picked up or that he arrived at the office.

Q Well, as far as what you know now, was his story that he lost all the tapes that he had or just some of them?

A I don't know.

All I know is that he said three or four tapes had been taken out of his luggage.

Q He had checked them through as opposed to carrying them on the plane?

A Yes.

They were checked in his luggage.

Q And that is the only thing that was missing?

A No. Some cigars I believe were taken.

And I don't know if anything else was.

Q Some cigars and some tape recordings?

A Correct.

Q And you believed it?

A Yes, I did.

Q Now, do you know that Mr. Weinberg was paid about $100,000 in total with this, in connection with this ABSCAM investigation?

A I don't think I knew that until the Philadelphia hearing that you mentioned.

Q You didn't know that?

A Not until that hearing.

Q That was not as much money as you were making, was it?

A I wish.

Q We all do.

So the amount of money that Mr. Weinberg was getting was not something he discussed with you in this 50 percent time that you were spending together?

A No.

Q Did you know that Mr. Weinberg refers to himself as a special employee of the FBI?

A Not that I know of.

Q You never heard that?

A No.

Q You think he is or he is not?

A I said yesterday he is an informant, as far as I am concerned.

Q Is there such a thing as a special employee?

A Yes. I believe we do have special employees.

Q So you could be wrong and he could be right on that?

A No.

Special employees are paid by the government. They actually work in our offices.

Q So if Mr. Weinberg gets a weekly check or a monthly check then he is a special employee?

A Not in my terminology.

Q Well, if the government claims him on his W-2 form as an employee, that would make him one?

A If the government claims him?

Q Yes. If the government claims he is working for them then he is --

A As an informant.

Q I see.

You would not say he was a special employee even though he might?

A Correct.

Q Now, thre are special rules and regulations concerning the use of informants by the FBI, are there not?

A In what sense?

I don't understand the question.

Q When you have regulations about how you are supposed to supervise them, what they are allowed to do and what they are not allowed to do; is that correct?

MR. PUCCIO: Judge, I object to this as

* * *

(The following occurred in open court.)

THE COURT: You may proceed.

BY MR. BEN-VENISTE: (continued)

Q Mr. Amoroso, is it not a fact that Mr. Weinberg prevailed on you to relax some of the restrictions that the FBI placed on the actions of informants?

A No.

Q And the reporting requirements?

A No.

Q So whatever latitude you gave him was our decision?

A Yes.

MR. BEN-VENISTE: Do we have that tape recording, Mr. Puccio, Exhibit 16 in evidence?

MR. PUCCIO: I believe it was in the items that were requested to be turned over.

MR. BEN-VENISTE: No, it was not, Mr. Puccio.

MR. PUCCIO: At least Mr. Good may have thought so and it was being turned over.

We might be able to get one that is similar in appearance, Judge and we are trying to do that.

THE COURT: All right.

The specific one, Exhibit 17, is not immediately in evidence?

* * *

Q Mr. Amoroso, you have worn a body recorder from time to time; have you not, sir?

A Yes, on occasion.

Q And there are ways of secreting such a body recorder on a person?

A Correct.

Q Sometimes it's taped to the small of your back?

A Correct.

Q Sometimes it's in different places, and you have a little microphone, usually it's taped right onto your chest?

A Correct.

Q Sometimes it can be hidden in a belt buckle; depending on the ingenuity of the makers, you can hide something like this; and the Nagra, of course, is much thinner than this Dictaphone?

A Not much --

Q It is thinner --

A -- but basically about the same size.

Q Now, is it true that Mr. Weinberg wore a body recorder from time to time in this investigation, or don't you know?

A I don't recall.

Q Now, in your experience, sir, do you know

where the on-off switch is on the Nagra?

A Yes.

Q Where is it?

A It's on the top.

Q And once it's on, once it's taped to you somewhere, it's usually underneath your clothing?

A Correct.

Q So that if you wanted to turn it off, it would be awfully hard to do it, other than pulling the wire out?

A No, not so. They usually have another -- another attachment which you can --

Q Which you can use, you can employ?

A Yes.

Q But isn't it a fact, sir, in your experience, that when you're using an informer, not an agent, an informer, that you can put the recorder on him, activate it and insure that the recorder is locked into the "on" position so that the informer cannot turn it off?

A Correct.

Q That was not done with Mr. Weinberg, was it?

A No. I don't even remember putting a Nagra on him.

Q And specifically, it wasn't done when he went

downstairs on August 22nd to see Mr. Errichetti, outside of your presence?

A On which day, now?

Q August 22, 1979.

A Correct.

* * *

* * *

THE COURT: (To the Witness) Have you any agreement or have you been approached by Mr. Weinberg to assist him, either currently, in the past, or in the future, with respect to the writing of a book?

THE WITNESS: No.

MR. BEN-VENISTE: Thank you.

BY MR. BEN-VENISTE:

Q Did you pose with Mr. Weinberg in any photographs at the W Street undercover house, or any other undercover location?

A No.

Q Did you --

A I don't believe so.

Q Did you ever take a picture of Mr. Weinberg in those surroundings?

A No.

Q Are you aware of such photographs being made for the purpose of including them in some book?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. BEN-VENISTE: I have nothing further, your Honor.

THE COURT: All right, let's take a short recess and then we'll take the next cross-examination.

Don't discuss the case, ladies and gentlemen.

(The jury left the courtroom.)

(Recess taken.)

(After recess.)

THE MARSHAL: Be seated, please.

THE COURT: You're going to be next, Mr. Cacheris?

MR. CACHERIS: Yes.

THE COURT: How long do you anticipate?

MR. CACHERIS: Not long, your Honor. About fifteen minutes, my usual fifteen.

THE COURT: All right, bring in the jury.

(Witness on the stand.)

(The jury entered the courtroom.)

THE COURT: All right, Mr. Cacheris, you may proceed.

MR. CACHERIS: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q Mr. Amoroso, in the course of this investigation, you contemplated a TV production, did you not?

A I don't know what you're referring to. If you'd be more specific --

Q Well, when you had TV cameras set up on the boat, you were trying to videotape a lot of these meetings, weren't you?

A On the boat? Yes, but then we had a fire and that was sort of not used any more.

Q But that was your contemplation, that was your desire?

A Correct.

Q And you also had the contemplation of photographing Mr. Myers on August 22nd; isn't that correct?

A Correct.

Q And you wanted to do that?

A Correct.

Q And you know that the room was set up for that purpose?

A Correct.

Q And you were a participant in that?

A Yes.

Q And you were to be one of the principal actors; weren't you?

A Yes.

Q And you were, indeed, a principal actor?

A Correct.

Q In fact, when you used the name Tony DeVito, you were acting?

A Correct.

Q When you said you were working for a sheik, you were acting?

A Yes.

Q So when Mr. Myers came in, you had a script that you were following, didn't you?

A Not a script; just -- just how I felt the thing was going.

Q You didn't have any idea what you were going to ask him?

A Basically, I knew what I wanted from him.

Q That's correct. You knew what you wanted from him.

A Correct.

Q And so that you asked him about the introduction of private bills; didn't you?

A Correct.

Q And that's what your suggestion was, wasn't it?

A Offhand, I'd have to look at the transcripts.

Q You don't have any doubt about it, do you, sir?

A I don't know who brought it up. That was what I was referring to.

Q That's what you were referring to. And you also asked him about the State Department; you brought that up?

A Correct.

Q Isn't that correct?

A Sure.

Q And that was part of your script, wasn't it?

A Correct.

Q And you also asked him if he knew any key people in the State Department; didn't you?

A I don't think I mentioned key people. I just --

Q Well --

A -- I just mentioned the State Department, I think.

Q You brought up the State Department?

A Yes. I said I just mentioned the State Department.

Q And he said he had some key people, didn't he?

A I guess so.

Q Did you investigate to determine whether there were any key people in the State Department that Mr. Myers

knew?

A No.

Q As a matter of fact, when you asked him on August 22nd, "Give me some names," what did he tell you?

A He didn't have any.

Q That's right, he didn't know any names; did he? Correct?

A Yes. I didn't know whether he wanted to give them to me or he didn't know --

Q He just said, "I can't give you any"; is that correct?

A Correct.

Q And you, in your subsequent investigation, found no key people in the State Department --

A I didn't do any subsequent investigation.

Q That's right. And in fact, no private bills were introduced?

A Correct.

Q When you went through this TV drama, you were not surprised at the answers Mr. Myers was giving you --

MR. PUCCIO: I object to the form of that question.

THE COURT: Sustained as to form.

Q When you went through this August 22nd meeting,

you proposed to him certain things; didn't you, like the ones I've just discussed?

A Yes.

Q A private bill, State Department, and things of that nature; isn't that correct?

A Yes.

Q As a matter of fact, you wanted to insure that Mr. Myers would give you the answers that you wanted to ... hear; didn't you?

A No, I wanted to know what he thought he was there for.

Q Well, on August 8th, in a conversation at the Hyatt House -- you may refer to Exhibit 4-A --

MR. PUCCIO: May I have the page, please?

MR. CACHERIS: Page one.

MR. PUCCIO: Thank you.

Q (Continuing) -- didn't you say to Mr. Errichetti, "He'd hve to introduce some kind of legislation, right, some kind of bill or something"?

A Correct, that was --

Q And didn't Errichetti say, "Whatever you say"?

A Correct, that's what he said.

Q And didn't Weinberg say, skipping on down, "Yes, let him tell Yassir whatever he had to tell him"?

A That was the conversation, yes.

Q Is that right?

A Yes.

Q And that was what you subsequently wanted to get on TV?

A Correct.

MR. CACHERIS: No further questions.

THE COURT: Thank you, Mr. Cacheris.

Mr. Brown?

MR. BROWN: May I, your Honor, may I in part conduct my examination from this position, sir? I have some books, and that's my only problem.

THE COURT: All right, if you remain there.

MR. BROWN: Yes, sir; I shall.

THE COURT: Or go over to the lectern.

MR. BROWN: I shall go from here over to the lectern when that becomes necessary.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, why did you adopt the name Tony DeVito in this enterprise?

A Just a name.

Q No reason why?

A I had used it before.

Q You had used it in other undercover operations?

A Yes.

Q I see. Now, were you in on the inception of this operation known as ABSCAM?

A No, sir.

Q Do you know when it began or when it was projected in the direction which it took here, resulting in this indictment?

A I think you'd have to clarify that for me.

Q Surely.

A I don't know when it began. I know when I entered it.

Q You told us you entered in January '79?

A Correct.

Q Do you know how long it had been functioning or under way prior to that?

A No, I don't.

Q You did replace another agent, you said?

A Yes.

Q A man named McCloud?

A Yes.

Q What was his pseudonym or false name?

A That was McCloud.

Q What was his real name?

A McCarthy.

Q McCarthy was the real name. Now, you were aware that McCarthy had represented himself as a friend of the Kennedys in Massachusetts; isn't that right?

A I don't know what he had said his background was, no. I'm not familiar with it.

Q So you weren't briefed as to what he had done in the past?

A Not to what he said his background was.

Q You don't know in what way he presented himself, for example, to Mayor Errichetti, saying, "I am McCloud" -- which was a false name, right?

A Correct.

Q "I'm Mr. McCloud; I have certain connections"; and so forth. You know nothing of that?

A I don't recall, no.

Q Isn't it a fact that in January you met, along with McCloud and others, somewhere in New Jersey, at which time you were introduced to Mayor Errichetti?

A Yes.

Q Could you tell us who was present on that occasion and when it was, if you will?

A I don't think I can give you a date. I know

it was the beginning of January '79 sometime, and I believe, maybe, Mr. Rosenberg and Mr. Eden might have been present. I'm not really sure who was present.

Q How about McCloud and a Margo Kennedy?

A Oh, yes, you had mentioned them. I was just referring to others.

Q All right. Margo Kennedy was a person whom you came to know about; is that right?

A Yes, I knew she was an agent.

Q And do you know why she was represented as Margo Kennedy? Unless in fact that was her true name, of course.

A No, I don't know why she was represented as Margo Kennedy, no.

Q It was not her true name?

A No.

Q Do you know as a fact that she was represented as a cousin of Ted Kennedy, the senator? Isn't that a fact?

A No, not to my knowledge.

Q And as you said heretofore, you don't deny it, you just don't know anything about it; is that right?

A I don't know anything about it, no.

Q So you don't know anything about the manner in which Agent McCloud and Margo Kennedy conducted their

activities vis-a-vis my client, prior to January of '79; is that right?

A Correct.

(Continued on next page.)

Q Is it or is it not customary for an agent who takes over -- I'll withdraw that.

Were you in effect substituting for McCloud in the operation?

A Eventually, yes. It took a couple of months to do that but I did subsequently substitute.

Q Is my recollection correct that he was substituted because for some reason he was instituted for the operation?

A I don't know if I'll say unsuited. His capability Iguess in the field that the thing was going into was of concern and that is why I was brought in.

Q Well, what was his shortcomings? What was the field in which he lacked the requisite capacity to function in the operation?

A Well, my understanding is that it was in the organized crime area.

A I had been involved in it for a number of years.

Q I see.

How long had Mr. McCloud and Ms. Kennedy been functioning in this operation?

A I don't know.

Q Had Weinberg been functioning with them in the

operation?

A I assume so, yes.

Q Is it to your knowledge a fact that Weinberg recommended or suggested that McCloud be replaced with you or someother agent?

A I don't know whether he suggested it. I know he was uneasy with Mr. McCloud because of the new area they were going into.

Q So that in fact Weinberg did hafe in terms of his reporting to the agents at least something to do with McCloud being replaced, to that extent?

A To that extent, yes.

Q To the extent that he felt McCloud was not an appropriate or proper agent to carry out the function?

A Experienced enough.

Q Appropriate I would assume would include that, right?

A Yes.

Q Do you know what McCloud's experience was; do you to this day?

A Not really. I think he worked a lot of security work at one time. Iam not really sure about that. I don't have to ask hikm about that.

Q Well, is it customary when there is such a

replacement for an agent such as yourself, newly come into the picture, to make a report or 302 explaining the exchange of responsibilities?

A No.

Q You did tell about the $50,000 which you put in an envelope at a certain time as shown on TV here yesterday, is that right?

A That's right.

Q And you said at one time you were either sealing or unsealing the envelope.

It was unclear. Can you tell us what you did?

A I sealed it.

Q You did seal it?

A Yes.

Q So if the script says unseal it, that is incorrect?

A Correct.

I think you saw me licking the envelope.

Q Are you familiar with the fact that the script does say something as to whether you sealed or unsealed it?

A I don't know.

Q Let's look at it.

MR. PUCCIO: Judge, I object to the use of the

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word "script."

Your Honor sustained my objection yesterday.

THE COURT: Sustained again.

I think it was established, Mr. Brown, that the correct term is transcript.

MR. BROWN: Yes, your Honor.

Q Transcript 5A in evidence would be available to you I think in the book that you have; is that right?

A That's correct.

Q And is it not a fact that in 5A, which you are reading now --

A Correct.

Q It says that you did not seal the envelope?

A From what I see it is a typographical error.

Q Please bear with me. All I am asking you is this:

Is it not a fact you arelooking at 5A which is the transcript of the proceedings of August --

A Yes.

Q Can you tell the jury what that transcript before you says with respect to sealing or unsealing an envelope?

A It says I am not sealing an envelope.

Q And that is of course contrary to the fact;

is that correct?

A Yes.

Q But I understood you to say that you did participate in preparing these transcripts.

A Correct.

Q And in that one of course it could have been an oversight or an error?

A Yes.

Q And that is exactly what it is?

A Correct.

Q And with respect to that occasion you did have in your possession $50,000 of government money, I think?

A Correct.

Q Is that right?

A Yes.

Q Did you make a note in a 302 about obtaining the money and what you did with it and what happened to it?

A Did I make a notation?

Q Yes.

A No.

Q You were not responsible as an agent to make a precise report as to what happens with the money that is turned over to you?

A What I did is when I received it I counted it and then I placed it in that envelope.

Q Do you sign out for that money or do they just give it to you?

A No. Another agent probably signed for it.

Q What agent would probably have signed?

A I have no idea.

That would be the responsibility of Mr. Good.

Q But as far as you were concerned the money would not be accounted for in writing or in any receipt of any kind?

A Not by me. By someone.

Q I am asking, as far as you were concerned you would not have accounted for the money by a writing or a receipt of any kind?

A No.

Q So the $50,000 given to you with respect to that envelope, and of course it is an error as to whether you did not seal it, is that right?

A Yes.

Q Now, it is an hour or so before the program began after you sealed that envelope, is that right?

A Yes.

MR. PUCCIO: I object to the form.

THE COURT: As to the program?

MR. PUCCIO: Yes.

THE COURT: Sustained.

Q. You seem to accept the words -- I will withdraw that.

THE COURT: Ledturn, please.

MR. BROWN: Yes, sir, I'm sorry I advanced two feet.

Q With respect to the performance that came on later on which was an acting performance, was it not?

A Correct.

Q And you were not offended when I used the word program, were you?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q With respect to that activity which came on later, about an hour elapsed between the time you had the money and the time you went through the prologue which was the sealing or not sealing of the envelope and the time of the actual activity which came on an hour later.

Would that be correct?

A Correct.

Q And in that interim who was in the room with you?

A Myself, Mr. Weinberg, possibly Mr. Good, possibly one or two other agents.

Q Some other persons that you don't particularly remember?

A Yes.

Q And after this, when the performance was finished, you then made no report whatsoever, is that right, in writing, to anyone?

A No.

Q Did you make an oral report to anyone, a supervisor or superior of yours?

A What tyhpe of oral report?

I don't know what you are getting at.

Q Is Mr. Good your supervisor or was he at that time?

A Yes.

Q Are you required to report to him the activity or did you assume that the video tape was sufficient report?

A Sufficient.

Mr. Good was in the other room.

Q I see.

And in the course of this performance you did as you say play a rolel you had a false name and you had certain activity which was not exactly proscribed but went into a pattern.

Would that be correct?

A A pattern of what?

Q You said when you came into the room and when others entered including my client, while you had nothing in writing you did expect certain things to happen, is that right?

A I did not expect things to happen. I was --

Q Well, I'll withdraw the question.

Isn't it a fact when you undertook this performance that you had some expectations as to the way things would go, otherwise it would make no sense, would it?

A Otherwise I would not make a payment.

Q It would not make any sense otherwise; you had expectations how it would go?

A No.

MR. PUCCIO: I object to the form of the question, your Honor.

THE COURT: Overruled.

Q You had expectations as to where it would go?

THE COURT: He answered it no.

Q You didn't have? You had no purpose in the meeting?

A I had a purpose. I didn't have an expectation, I don't think.

Q Well, what was your purpose?

A My purpose?

Q Yes.

A My purpose was to elicit from Mr. Myers the necessary material to insure me in my own estimation of what his idea of that meeting was.

Q So that was your design?

A Yes.

Q And this had been set under way while previous to that actual performance on the 22nd of August; isn't that right?

It started as early as July 26th, I believe it was; isn't that correct?

A With Mr. Myers, no.

Q Well, isn't it a fact that as of July 25th you had read an article in the Miami Herald about dictator Somozaof Nicaragua which caused a germ of an idea to form in your head?

A Correct.

Q So as of July 25th, 1979 after you read the paper, you then formed in your head a design to attempt to project the same idea about the sheik?

A Yes.

Q Is that correct?

A Correct.

Q And the idea was that a dictator or foreigner who might be expelled from his homeland might come to the United States for sanctuary and may have indicated the attaining that presence here, is that correct?

A Yes.

Q This evolved in your head on the 25th, is that right?

THE COURT: You have now moved six feet.

MR. BROWN: I'm sorry, your Honor. I am a very mobile person. And I would put this where I can get around it.

THE COURT: That would be fine. But I think you can get around most anything.

MR. BROWN: That is a substantiated rumor, your Honor.

THE COURT: Proceed.

Q With respect to the idea that formed in your mind when you read the newspaper, you testified

in Philadelphia as a result of improper recollection that was called on that very day the 25th and discussed it with your supervising agent, agent Good, right?

A Yes.

Q But that was an error?

Q Yes.

I understand. So actually you did not discuss it with Good until the 27th, is that right?

A Yes.

Q And is it not so that as a result of this idea that formed in your mind on the 25th you then projected this idea on the 26th, advanced it, right?

A Correct.

Q And you advanced it for the purpose of advising someone to respond to it, is that right?

A Correct.

Q And you advanced it specifically for the purpose of inducing Errichetti to respond to it, is that right?

A Correct.

Q Now, then, when you --

MR. BROWN: I will use this word very carfully subject to your censorship.

Q Now that you have baited the trap with your

idea -- that is a correct statement, isn't it?

A Yes.

Q You expected my client to bite?

A It could be, yes.

Q Well, that would be the purpose of your doing it I would assume?

A Yes.

Q Again a part of a design.

Now, as a matter of fact, is it not so, byou even enlisted the services of the special agent who was acting as the captain of the yacht?

A No, I didn't.

Q Was it accidental then that he commented that there is a yacht that Somoza was on, they wiped their hands on the curtains, they are pigs?

A He happened to overhear the conversation and he happened to be passing that way and that is exactly what happened.

Q He fell in without knowing about the design?

A He heard the conversation and as he went by the boat he pointed it out.

Q He was helping out?

A Not by design.

Q Not by design.

So it happened that Somoza really wiped his hands on the yacht that you were passing accidentlaly going down the river?

A That is what the press reported.

Q You did too?

A No.

I am talking about the article he had read.

Q The agent was stimulated by an article he had read?

A Yes.

After he heard the conversations, yes.

Q After he heard the conversation his mind reacted to the article he had read?

A Yes.

Q So this agent then perceived what you were doing and said, I remember that artgcle, I'll help.

Did you discuss it with him?

A I never asked him. He just heard the conversation and pointed out the yacht.

Q Did you ever discuss it with the agent as to how he came in so beautifully on that design?

A No.

Other than he had heard it and he figured out who pointed out the yacht.

Q He must have said that to you later?

A Yes.

Q You discussed it with him later?

A Yes.

Q And he said I heard you saying that -- I guess he addressed you as Tony in your role then?

A Yes.

Q But your name is Anthony anyway, is that correct?

A Yes.

Q And he said Tony, I heard you say it and I fell right in?

A I don't know if he used those words, but I guess you can say it, yes.

Q It is a paraphrase of course, I don't have any tapes, I assure you, and neither did you, by the way?

A Yes.

Q Because you left it downstairs.

And you know when you left the tape downstairs that you were going to pursue this design in another part of the boat, isn't that right?

A Yes.

Q o that, after taping what you have described as "a conversation on legitimate," legitimate purposes

downstairs, that is true, isn't it?

A Yes.

Q And you then by design moved to another section of that boat where you would not have the taping and pursued your design and asked the bait-in question, is that right?

A At the time it was a very insignificant thing I threw out to the mayor.

Q But it was important enough for you to have formulated a design to do so, isn't that right?

A Yes.

Q And it was so significant that not only did you realize the importance of it, but the agent, without conference with you realized the importance of what you were doing, is that right?

A I don't know if he realized the importance of it.

He just picked up on what I said and expounded on it.

Q Thank you.

I will not characterize it.

That is the fact and that is what happened, is that right?

A Yes.

Q So it was important for you to have a design and to move into position to at least throw out the bait even though it was not a big bait, but just a minor piece of bait?

A Yes.

Q Is that correct?

A Yes.

(Continued on next page.)

Q And it just halpened that there was the conversation with Mr. Errichetti?

A Yes.

Q Right?

A Correct.

Q And there are other persons present on the boat from the first boarding, I assume, is that right?

A Yes.

Q And I think you have in your 302 -- you did make a 302 of this, is that not so?

A Yes.

Q Do you have a copy or I will question you and would you like my copy?

A I believe there is a copy here.

Q I will get it for you.

MR. BROWN: May I approach the witness with it, your Honor?

THE COURT: Yes.

MR. BROWN: This is Exhibit 3500-256.

THE COURT: Thank you.

MR. BROWN: It is indicated 7-30-79, your Honor.

THE COURT: All right.

(Handed to witness.)

MR. BROWN: May I proceed, sir?

THE COURT: Yes.

Q Mr. Amoroso, you have before you as I have, a copy of the 302, is that right?

A Yes.

Q The 302 is generally considered a report for the benefit of your superiors as to activities that take place at a certain time.

Would that be correct? Would I be correct in stating that?

A Correct.

Q Now, with respect to this particular 302, the date of transcription is July 30th of 1979, is that correct?

A Correct.

Q And if I may follow from what I call the inception of the design on the 25th, there was the idea in your head on the 25th, the implementation on the 26th on the boat, right?

A Yes.

Q And you have so indicated that this relates to the 26th, right?

A Correct.

Q Down on the bottom?

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A Yes.

Q And in fact it was typed out, that is what a transcription is, I assume, on the 30th, right?

Was that transcribed down in Florida?

A No.

Q Is thre any custom, regulation, as to how long it would take you to properly record conversations, for example, we have a four-day lapse here; would that be within the range, general practice?

A Four or five days.

Q Excuse me?

A Four or five days.

Q And what one does I assume is dictate it it someone and that person in the employ of the FBI types it out, is that right?

A Yes.

Q And in this instance I will remind you that you have not even signed this.

So I will ask you since there is no signature you do accept it as a reliable version of what you dictated?

A The original should have my signature.

MR. BROWN: May I approach, your Honor, and show my copy?

THE COURT: Yes.

Q Is that the original?

A No, it is not.

I would have initialled this copy right there.

Q I see.

A The original should have it. These are copies.

Q That is quite all right. I have no questions with respect to that.

I don't question that. I merely want to make certain when I ask you a question about it it is that which you accept as being accurate and correct.

A Yes.

Q So perhaps if you would examine it since I don't have a signature on it I think I am required to ask you if that copy reports properly of what you had prepared?

A I think so.

Q Now, with respect to the 302, if you read the third paragraph, I suggest to you it would be reasonable to assume that Captain Allison, the agent, first talked about Somoza and the group of pigs prior to your conversation, but that is an error in the way it is dictated?

A No. Because in the next paragraph I said during this period I just put one ahead of it.

Q And you would not be that precise about the conversation, I am sure.

You do indicate however, that Mr. Criden was present during the general conversation?

A Correct.

Q And you do indicate that Mr. Criden neither spoke nor participated in that phase of the conversation, correct?

A Correct.

Q You don't indicate whether or not Mr. Weinberg participated.

Can you tell us whether he did?

A No, he did not.

He was just present.

Q Mr. Weinberg was aware, was he not, of the design that you were about to put into effect?

A No.

Q He was equally innocent as Mr. Errichetti was of your design?

A Yes.

Q And you have reported, have you not, that you went into a speech which dealt with -- Ill withdraw that.

You have reported, have you not, that you spoke in terms which included your employer's conern with the situation in Afghanistan, where government troops and rebels were fighting, and Ethopia, and of course in Nicaragua, is that right?

A Right.

Q And you also stated that the United States government had told the Nicaraguan revolutionary government that it would consider returning Somoza to Nicaragua.

I am referring to your 302. Is it a fact that you so stated?

A I stated that the news media so stated it.

Q Is that a fact that the news media so reported?

A That is the article of the 25th.

Q I see.

And you also stated that your employers antiicpated that they would have to leave the country in the near future?

A Correct.

Q And that they were deeply concerned as to whether or not due to unfavorable news media publicity that they would be accepted permanently in the U.S. and once here there would be pressure to put them out, is that right?

A Yes.

Q All of that was a fabrication or a lie. I don't like to say that.

A I like fabrication.

Q You like fabrication?

A Yes.

Q Yes. I understand.

However, it was a statement manufactured by you to induce or trap Errichetti into making certain statements, is that right?

A Yes, to induce him.

Q And what did he say when you went to this presentation about the problems that your employer had and that there was concern whether he would be accepted permanently into the United States and there was pressure to return him to his country?

A Do you want me to read it?

Q No.

If you want to -- if you recall it, fine.

There is a rule that says you may refresh of course and that is why I put it in front of you.

A He stated there was nothing to worry about because he had connections with the right politicians.

Q Who could handle these problems?

A Yes.

Q Such as trying to help a man to stay in a country where he had assylum?

A Yes.

That's the way he phrased it.

Q In other words, that is nothing,I can introduce you to a politician who can help with this problem?

A That was --

Q And what you presented was a very legitimate problem, wasn't it, whether a man could continue in assylum if he were thrown out of Ethopia or Nicaragua or any other place?

A Yes.

Q And what he said is I think there are politicians who can help with respect to that, is that right?

A It's right there.

Q Okay.

Now, the fact is that he did not say to you, what is the problem, which of your employers -- I believe you used the plural, employers, is that correct?

It is written down here but it may not be accurate.

A I probably would refer to both.

Q Both.

A Yes.

Q He didn't refer to which one, did he?

A No.

Q He didn't ask you what the situation was with respect to their possible rejection?

A No.

Q And as a matter of fact he didn't even ask you what country they came from, is that correct?

A Correct.

Q And as a matter of fact, throughout this entire series of episodes up to this point, the sheik's country had not been identified, had it?

A Corrcct.

Q So that when he replied to you his reply was as general as yours was fictitious?

A Correct.

Q So that one charade was being answered by another?

A I know what I was doing. I don't know what he was doing.

Q Well, you knew he was answering something that had no substance and had no specific purpose or designation, is that right?

A Yes.

Q So if you would have said my employers want to go to Mars it would be as fictitious as what you said, is that right?

A It could be, yes.

Q And if he said I can get politicians to help you, it would have been as fictitious as what you said, is that correct?

A Correct.

Q And that is in effect what he said, correct?

A Right.

Q Now then, you then asked him to see if we can't get in touch with these people that he referred to?

A Yes.

Q And to see if you could get something started along those lines, right?

A Correct.

Q I am reading again, referring again to the samepaper you are looking at, correct?

A Yes.

Q I am using the language from there.

Now, when you say get started along these lines, did you go into any specifics or details as to what lines you are talking about?

A No.

Q Did you go into any specifics or details as to what people you wanted contacted?

A No.

Q Did you go into any specifics or details about what kind of people, whether they be agency people, immigration specialists, or whatever?

A No.

Q And when you talked about what it would cost you you didn't make any distinctions as to legitimate costs to attorneys, to specialists or anyone else, is that right?

A Well, reading the statement here, Mr. Errichetti was the one who first indicated the figure or money.

He stated that with all the money the Arabs had they could afford to cover all the necessary expenses.

Q When you say figure, I would ask you to reconsider, is not a figure a precise amount in the language of the street or of the drawing room in America?

When you say figure you mean a precise amount of money?

A Yes.

Q And Errichetti never mentioned a precise amount?

A No.

Q And as a matter of fact, what he did say was — expenses, is that right?

A Yes.

Q Okay.

Now, when he said expenses he didn't refer to the fact that as to whether these would be legal expenses or consultive expenses or anything else, is that right?

A In the context he gave it to me at that time it meant payment.

Q It meant payment?

A Yes.

Q Well, what was the language that was used that said when you get people to take care of this if you can pay their expenses, what word did he use that this is payment?

A In the way he used expenses.

Q That was your interpretation?

A Yes, it was.

Q Let's take the precise wrod so the jury can interpret it.

The precise words were, as you have recorded them and as best you recall them from your testimony, that Errichetti said, that with all the money the Arabs

have they can afford to cover all the necessary expenses.

Is that right?

A Yes.

Q He never said fee?

A Correct.

Q Never said pay-off?

A Correct.

Q Never said contribution?

A Correct.

Q Never said gratuity?

A Correct.

Q He said expenses?

A Yes.

Q And that's all?

A Correct.

Q And when you said find out what it cost, you did not specify, did you, as to whether it would be fees, pay-offs, contributions, gifts, you didn't, did you?

A No.

I know what I meant by it.

Q I understand that you knew what you meant, but the language which was proposed is the language which you have stated so that others can consider what the expense was, right?

A Right.

Q So I want to make sure of one thing, if his Honor will indulge me, and that is this:

At no time did you or Errichetti say this is the specific thing I want done?

A Correct.

Q That was not said?

A Correct.

Q These are the specific people I want to do it?

A Correct.

Q No categories were mentioned of lawyers or specialists or immigration types or anything else?

A Correct.

Q Not one cent in terms of coin mentioned in a figure?

A Correct.

Q Not one statement other tahn the Araba have money and they can pay the expenses to get this help, is that correct?

A Yes.

Q And your statement was to try to contact people and see if you can't get something started and find out what it would cost?

A Yes.

Q End of conversation?

A Yes.

Q Correct?

A Correct.

Q Now, byou are aware, are you not, that in the time, whatever time period it was prior to your coming on board the operation, that McCloud, known as McCarthy, and Margo Kennety and others had been talking with Mr. Errichetti and visiting him as his guests, is that right?

A Correct.

Q And in fact you too visited him as his guest, is that right?

A Correct.

Q Now, during the time of certain of the tapes which are proposed here and offered and accepted in evidence, like 2, 3 and 4, or 1,2 and 3 relating to August 6th, 7th and 8th of 1979, you in effect were a guest of Errichetti, were you not?

A (No response).

Q I will remind you of this if I may. Look at the first one, 1A and tell us where the meeting was held.

A The first one, August 5th, we were at the Northwest Airlines Lounge, at the airport.

Q Yes.

I'm sorryh, I said the 6th and I misstated bedause the first is the 5th and I beg your pardon.

Now, the one at the 6th where was the meeting at that time?

A Hiatus House in Cherry Hill, New Jersey.

Q And the date?

A The 6th.

Q And the next one is the 7th, is it not?

A Yes.

Q And where was that?

A Same location.

Q And the 8th?

A Same location.

Q And there can you tell us whether or not you paid for the accommodations or the FBI or who paid for them?

A I believe at that time Mr. Errichetti paid for them.

Q So in effect you were his guest at that time?

A Yes.

It was a reciprocal type of arrangement.

When he came to Florida or sometimes over to New York we paid for his --

Q Well, now, when he came to Florida on one occasion he paid for a lot of things, didn't he?

A When he came to Florida on one occasion?

Q Were you present when he first went to visit the Left Hand, that's the name of the boat?

A Yes.

Q The Left Hand?

A Yes.

Q Were you present on the first occasion when he visited the Left Hand?

A That was on the 26th of July.

Q Who paid for food and liquor?

A You are talking about the prior time?

Q The first time.

A Yes, yes.

Q So either --

A You are talking about March?

Q Yes, yes.

A Yes.

Q And on those occasions that was before your coming on board?

A I was on board.

Q You were on board the operation?

A Yes.

Q And who paid for the food and liquor on the first occasion -- on that occasion?

A I believe he paid for the liquor and another individual paid for the food.

Q Was he responsible for the payment, do you know, whether or not someone else paid?

A I think someone gave him a blank check.

Q To write out for the food?

A Yes.

Q But in that instance he paid, the instance in March I am referring to?

A Yes.

Q And then again we discussed it in these dates, the 6th, 7th and 8th of August, of course he paid?

A Yes.

Q How many people did he pay for then that were on the government payroll as undercover operators? Do you have any recollection?

A Offhand I don't know.

Q Could I try to refresh your recollection?

A Sure.

Q Wasn't McCloud there?

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A No.

Q Wasn't Bradley there, a special agent named Bradley?

A I believe so.

Q So there would have been at least three special agents there, Mr. Bradley, Mr. McCloud and yourself?

A Yes.

Q And perhaps other syou can't recollect at this time?

A Correct.

Q And of course Errichetti paid for everything?

A Well, he paid I believe for some of the liquor.

Q He paid for food and lodging, didn't he?

A He didn't pay. He had a check from somebody else. I didn't consider him paying.

Q Well, what would you consider if his credit card reflected that?

You know they have been subpoenaed by the government, do you not?

A No, I didn't?

Q You did not?

A No, I didn't.

* * *

(Following occurred in open court.)

MR. BROWN: Your Honor, I will defer that line of questioning with your permission.

THE COURT: All right.

Q Mr. Amoroso, you had indicated that you had not made any special -- you had indicated during examination that -- this morning in playing your role you were just plahing yourself, you did not make any special differences in your personality or act differently?

A I didn't say that.

Q You did not say that, I'm sorry.

A I asked for a specific point or time that he was referring to.

Q I see.

Well, is it true then that you did in the course of this operation act out of your true self and in tne sense be an actor or a character?

A Yes.

Q As a matter of fact, I strongly believe and I will show you an example without --

THE COURT: Mr. Brown, your beliefs have nothing to do with this case.

MR. BROWN: May I show you what I am doing, your Honor?

THE COURT: REphrase what you are saying. It is not proper for an attorney to say to the jury I believe or I think.

Lawyers are not supposed to think.

MR. BROWN: I never have to make that decision, your Honor.

MR. BEN-VENISTE: Sometimes that is apparent.

MR. BROWN: May I approach the witness with this transcript, your Honor?

THE COURT: Yes.

Q For example, if I may show you an extract from a transcript of 3500-24, which is related to Saturday, March 24th, which is outlined by me in yellow.

I would ask you to examine that before I ask you the question.

A Yes.

Q Now, the extract that I have shown you was certainly an instance on your part where you were acting out a part contrary to your true personality, isn't that right?

A I don't know.

I may have said that in my true personality.

Q Are you sure when they ask you, what are you

laughing at, and Weinberg says good morning, and you said, so I had a good party last night after that huge party, that that's you?

A Yes.

Q What did that mean?

A That the party before was terrible, which is an expression.

Q Huge party means good?

A No, it was terrible.

Q I see.

Q You are a facile in more than one language, apparently.

Were you ever present at a time, and I will show you the portion of the transcript without identifying it any further.

MR. BROWN: This is another one here.

(Mr. Brown confers with Mr. Puccio.)

MR. BROWN: May I approach, your Honor?

THE COURT: Yes.

Q I show you 3500-22 and I have selected from a paragraph a phrase and I want to make sure that you see it in its whole context.

A This is not me.

Q I am going to ask you about what he is saying,

whether it fits and a pattern.

Do you see what I mean? No, you didn't say that.

MR. PUCCIO: May I have the page, please?

THE WITNESS: 13, page 13 of the transcript.

MR. PUCCIO: Thank you.

MR. BROWN: 3500-22.

THE WITNESS: Just where it is marked?

Q Were there ever occasions in the course of this operation when Mr. Errichetti said to you as a person, I can write the script better for this thing.

A You just pointed it to me.

Q I just pointed it out to you?

A Yes.

Q There were such occasions when he said things like that, is that right?

A Yes.

Q And he also said, is it not true, give me the script, tell me what to say; is that true?

A I don't know.

You would have to give me the instance and I will agree with you if you have it.

I just can't recall.

Q I see.

But in this one instance that I showed you he said in effect I can write the script better than you can?

A Not in effect. It is whatever was said.

Q I will withdraw the in effect. You said you object to the phrase, is that right?

A Whatever is there is what was said.

He says I can write the script better.

Q And what was he referring in that instance where he says I can write the script better, what was he referring in that instance as to you or members of your agent party?

A He was referring to a meeting from what you showed me there between McCloud and Mr. McDonald.

Q So he was referring to McCloud?

A Correct.

Q Now, then,McCloud then continued in the operation up through '79, is that right?

A Yes.

Q Well, now, I understood and please correct me, that you replaced McCloud in January of '79?

A Yes.

Q Am I correct?

A Well, there was a phasing out period there.

He was still involved, I believe, for a couple of months between January and February and March.

Q I am not asking about what he was involved in. I am only asking if he was still involved in the operation.

A Yes. It was a phasing out from him to me during the phasing out period.

Q And this reference then was to Mar. McCloud, I could write the script better, is that correct?

A Yes.

Q Now, it is true, then in terms of -- I'll withdraw that.

Was this operation, these activities, given a particular name, the activities that involved you, Mr. McCloud, Mr. Bradley, Margo Kennedy and others for the government, with respect to my client and others in this indictment?

Was the entire indictment given a name?

A I don't know what you refer to as a name.

Q I have heard the name ABSCAM, I don't know if it was given a name by the bureau or the operatives or not, ~~or~~ I don't know if that is a media term.

MR. PUCCIO: I object, your Honor.

THE COURT: Overruled.

A I believe the title of the case was Abdul Scam and they shortened it to ABSCAM.

As far as the title of communications being sent from office to office.

Q So in fact, the FBI did have a nom de guerre, a code word for this, and there was a code name for it.

A It was not a code name. It was just the shortening of the entire name.

Q Was there a code name for this operation employed by the bureau which denominated a sting operation.

MR. PUCCIO: I object to this, Judge.

THE COURT: What ground?

MR. PUCCIO: On the ground of relevancy as to what the bureau characterized it as.

THE COURT: Overruled.

Q You have known it to be referred to as a sting operation, have you not?

A From the news media and not from within.

Q No one including Mel called it a sting operation?

A Not that I know of.

Q Do you know or can you tell this jury whether or not this entire operation, whatever it was called, was

orgiinated or suggested by Mr. Weinberg?

MR. PUCCIO: I object.

THE COURT: Overruled.

You may answer it.

A I stated before that I don't know. Bu the time I got it, into it, it was already in existence.

Q Did you not research the history about the operation that you were about to supervise?

A No.

Q You were not concerned about its genesis, how it began and what its central theme was?

A No. Because I was starting a new theme.

Q So the central theme of this operation changed when you came in?

A Correct.

Q And was Mr. Weinberg the one who suggested the change?

A Not to my knowledge, no.

Q Isn't it a fact that this operation was at least in part based on his recommendation as to how to con people?

A Not to my knowledge.

I don't know.

Q Well, you don't say yes, and you don't say no.

You don't know?

A I don't know.

Q Well, how often were you with Mr. Weinberg from January '79 up to should I say February of '80?

A I would say, probably fifty percent of the time.

Q That would mean almost every other day, every other night, something like that?

(Continued on next page.)

A It would work probably in periods of a two-week run and a two weeks off, a week on and a week off.

It would depend on what we were doing and where we were going.

Q And your testimony despite this intimacy of January to February of '80, when you were with him half of the time, which is half of about 400 days which I counted quickly, you were with him about 200 days and you never asked him about his past activities as a con man?

A No, I was not interested.

Q Wasn't his value to the bureau the fact that he was a superb con man?

A Yes.

Q Wouldn't you then be concerned as to what his qualification was as a con man since that was essential to his utility to you?

A No.

He never asked me what my qualifications were.

Q Was he your supervisor?

A No.

Q You were his supervisor?

A Correct.

Q And now in the course of this procedure, these activities, did you observe him as a con man?

Wasn't that your job?

A To observe him? Not to observe him, no.

Q Didn't you observe him conning people, working his particular talent?

A Working with me, yes.

Q Wasn't the bureau paying him $3,000 a month to execute a con, a skillful con operation?

A Yes.

Q Didn't you observe him in the performance of this duty he was being paid for?

A Yes.

Q Was the superb con artist?

A Yes.

Q Was he the best you have ever seen?

A Close.

Q And he conned everybody but you, is that right?

A I can be conned just like everybody else.

Q Did he con you?

A I don't think so.

He conned everybody else though?

Q By everybody else, whom do you mean?

Let's take my client. He conned my client, didn't he?

A I would say so.

Q He conned him in a superb fashion, is that right?

A Yes, I would think so.

Q So I will just deal with my client without referring to the other gentlemen at the table.

He was good enouhg to con my client into seeming to do something that was never carried out, to wit, having congressman of the United States interfere with the business of government, is that right?

Wasn't that the purpose of the design that is embodied in this indictment?

A In this indictment.

But that is not originally what we were involved in.

Q Let's deal with this indictment.

With respect to this indictment, wasn't there a con which flowed only from the total operation right into this indictment?

MR. PUCCIO: I object to the form of the question.

MR. BROWN: I'll withdraw it.

Q Isn't it a fact this indictment is only one of several facts of the operation called ABSCAM?

MR. PUCCIO: I object, your Honor. Irrelevant.

THE COURT: Sustained.

Q Well, you were working on Errichetti from January on, weren't you, to con him into doing something that he could be arrested for?

A We were involved with Mr. Errichetti to see from the beginning as I stated, involved with organized crime, in casino gambling, in Atlantic City, but it just spread out into other areas.

Q It was the same con, that was your technique?

A Yes, the technique.

Q Your technique was con all the way through no matter which episode we are talking about, it was con all the way, is that right?

A Yes.

Q So the con was designed to con or trick my client into doing something that would be unlawful; isn't that right?

A No, I don't think so.

Q Well, in whatever area it was, you were going to con him to do something, you just said so.

A If he didn't want to do it he could have walked right away.

Q Tell me this:

Were you trying to confidence him into doing something?

MR. PUCCIO: I object to the terminology used, confidence.

MR. BROWN: He has answered already, your Honor.

THE COURT: No need for response to the objection.

Objection overruled.

Q Your whole operation from the day you got into it and before, was to exercise a confidence technique on Errichetti to confidence him into doing certain things, is that right?

A I disagree with the way you are doing.

Q Didn't have to fool him or confidence him?

A Yes.

Q And wasn't the total operation designed to fool him or confidence him?

A Yes.

Q And wasn't the object of the fooling or confidnece technique to have him doing certain techniques that you had designed?

A If he so desired.

Q I understand what you just said. But you

wanted to confidence him into doing something. Is that right?

A Correct.

Q Let's take this indictment and the naturalization concept of immigration.

That sprang from your head, didn't it?

A Yes.

Q And that was initiated by you, wasn't it?

A Correct.

Q And in effect it was to have somebody doing something unlawful concerning the immigration of your fictitious superiors, is that right?

A If he was disposed to.

Q If he sas disposed to, but you didn't tell him specifically what you wanted.

You were going to con him into doing anything, is that right?

A I didn't have to. He did it.

Q You were the one who asked him to do it, were you not?

A Yes.

Q And Weinberg was the one who continued to work with you to ask him to do it, is that right?

A Yes.

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Q And without your having asked him to do it, you don't know if there would have ever been such genesis of any idea, such idea in his head, do you?

A Correct.

Q So you were responsible for the genesis, is that correct?

A Yes.

(Continued on next page.)

Q And you were responsible for the continuing technique of con and fool?

A Yes.

Q And you knew in the first place that there would never be any influence exercised on the government of the United States with respect to immigration and naturalization, isn't that right?

A Correct.

Q So that from the very beginning you not only had fictitious prsons, fictitious idea, ideas to con, but you even knew there would never be anything carried out pursuant to these objects?

MR. PUCCIO: I object.

It's been asked and answered.

Q Well, now, at the time that you obtained the money in order to carry out the activities that were filmed as to August 22nd, who was it that suggested the money, the amount of money?

A At that time?

Q With respect to the filmed events of August 22nd which were shown here yesterday, can we zero in on that?

A Yes.

Q Who suggested the amount of money to be

involved.

A Mayor Errichetti.

Q How much did he say would be involved?

A $100,000.

Q Is that what you did?

A No.

Q You modified that, is that correct?

A Yes.

Q You injected your own ideas, is that correct?

A Yes.

Q Were you aware of the number of conversations that Mr. Weinberg had with Mayor Errichetti throughout that period at that time?

A Yes.

Q How many conversations did Weinberg have with Mayor Errichetti from, I'll start from January when you first came into the picture until August 22nd, do you have any idea?

A From January?

Q You first came into the picture in January?

A Yes.

Q Until August 22nd, which is the film we had.

A I don't know.

Q You didn't dictate when those conversations would be held?

A No.

Q You don't know whether all those conversations were taped or not?

A Correct.

Q You don't know which portions of the conversations were taped, do you?

A Are you referring to specific conversations?

Q Well, let's take the conversations where you said -- which was shown to you, the tape referred to this morning, when you said, well, who cut it off when the secreatary was on so he would not waste the tape, is that right?

A It was not that he would cut it off.

He would not turn it oin until the mayor got on the phone.

Q I see.

So you didn't supervise those activities?

A No.

Q So everything he did he did on his own?

A Not everything. Taping those conversations he did on his own.

Q How many conversations did you actually

supervise in which Mayor Errichetti hd with the master con man?

A I don't know.

If I was present then I would take the tape at the time or one of the other agents who was present.

If we were not present and he was alone at home he would maintain custody.

Q Are there no FBI records who -- that would show who supervised him on these various occasions?

A No.

(Continued on next page.)

Q Are there any FBI records that would show how many tapes he actually acquired and how many he later delivered to you?

A I believe there is a list right there of the tapes that we have.

Q Of the tapes that you have.

Do you know whether or not he taped anybody without using those particular tapes?

A Are you referring to the ones that are missing?

Q Right.

A I would say then that there are some that are missing.

Q Did you supply him with the tapes?

A At times Idid, at times other agents did.

Q Is there any record of those that are supplied him?

A No.

Q Is there any record that would indicate how long he talked in terms of a particular tape, any tape that he did?

A Any record?

Q Yes.

A From the telephone records I imagine you could

etermine that.

Q Beyond that any of them that are taped by telephone, do you have any knowledge of that?

A I don't know what you are referring to.

Q Any tape other than by Mr. Weinberg the con man?

A Are you referring to Nagra recordings?

Q Any type of tape recordings, any kind whatsoever.

A I believe every time he used a Nagra he was supevised by an agent.

Q What would be the differnce between the supervision of a tape recording denominated Nagra because of equipment and the supevision of a tape recording whatever the name of the item?

A Because at the time the Nagras were made we were meeting with individuals.

At the time the tapes were made at his residence he ws home in Florida by himself awaiting the next trip out of town but maintaining contact with the various people we were dealing with.

Q Carrying out the con?

A Yes.

Q So it is true that the majority of the time

that Weinberg contacted persons like my client, Mr. Errichetti, he was totally unsupervised in the sense of anobody monitoring what he said or being a party to the act, is that right?

A No.

I wouldn't say the majority of the time.

Q Well, do you know how many Nagra conversations he was privy to when you and others were present?

A I don't have a count, no.

Q You know he made well over fifty of the other Cassettes that you did not monitor, is that right?

A Correct.

Q You know he never made nearly fifty Nagras?

A Yes.

Q So the vast conversations of the people he was conning was unsupervised then in the sense of whether it was taped or not?

A You are talking about the taped conversations as opposed to the timing of the jurisdiction of the agent, within the jurisdiction of an agent?

A Within the jurisdiction of an agent?

Q Yes.

An agent being with him. We had somebody with him as I said before, approximately fifty percent

of the time.

A Sometimes those phone calls are five minutes long , made at his house, very innocuous conversations that are recorded.

Q That is your interpretation, innocuous.

A Okay.

Q With respect to the agents, how many phone calls that he made, whether on tape or in person, were actually under the supervision of a special agent?

A I don't know.

Q Well, the majority you say were not under the supevision of an agent?

A Of phone calls, yes.

Q And how many meetings were there when an agent was present, if you have any knowledge?

A I would say most of them. I don't want to say all of them.

I would say most of them.

(Continued on next page.)

Q Now, is there anywhere an outline, a script and a count of what this man did which shows what each agent's report was when they supervised him?

A No.

Q There is no such log?

A No.

Q If I may call it that?

A No.

Q So this master conman was allowed to go unsupervised in many of the details of the operation; is that right?

A I don't agree.

Q Well, he was off on his own, wasn't he?

A He was off on his own at home.

Q What does home have to do with it?

A Home has to do with being in Florida and out of the proximity of the people we were dealing with at the time, only by the telephone calls we have referred to.

Q Well, the telephone calls put him in close electronic proximity, didn't they?

A As far as telephones, yes.

But the way you phrased the question I was led to believe that you were talking about personal contacts.

Q Even personal contacts, were you with him on

all personal contacts or some agents?

A Not on all, no.

Q Well, you know ether was a great many in which he was not personally supervised by any agent; is that right?

A I don't believe so.

Q Do you know of occasions that he went to Mayor Errichetti's office unsupervised by people?

A Mayor Errichetti's office?

Q Yes.

A Not to my knowledge.

Q You don't know about that?

A No.

Q Do you know about the gifts he received, such as Beta Max, tape recorders, other items, microwave ovens? Do you know of that?

A No, I don't.

Q Do you know of any other occasions where other than the Mayor's office you say that there were no other occasions, including the Mayor's office where Mr. Weinberg was alone with Mayor Errichetti, unsupervised by an agent?

A I didn't say that. I said I didn't know of any.

Q Would you state then -- have you ever asked him that?

A I believe Mr. Weinberg met with Mr. Errichetti on a number of occasions alone. How many, I don't know.

Q But you do concede that you know that he met with him on a number of occasions alone unsupervised by agents?

A Yes.

Q And you do also know that they had many conversations unsupervised by agents, whether or not from home; is that correct?

A You are referring to telephone?

Q Yes, telephone, yes.

A Yes.

Q So that, to the degree you have described, the numerous occasions they have met alone, the telephone conversations this conman was not supervised by any representative of the United States Government; isn't that right?

A Correct.

MR. BROWN: Excuse me just one moment, your Honor.

THE COURT: All right.

(Pause.)

Q Do you know where the Elan Club is in Philadelphia?

A Elan?

Q Yes.

A I think I do, yes.

Q Do you recall in the course of this operation going to that club for the purposes relevant to the operation to show what kind of guy you were?

A Offhand I don't recall. I may have, yes.

Q Part of your purpose was to show that you were a swinger, a guy who was with it, is that right, your part in this thing?

A I guess, yes.

Q And you used to -- were you to be observed to flash your money and talk about women as you did in the Elan Club on a number of occasions, to show your character?

A I don't recall being there a number of times. I just recall one time.

Q You did these things to enhance the character that you were supposed to be playing; isn't that right?

A I would like you to rephrase the question or make it clearer.

Q Sure.

You don't customarily in your true character

as an FBI Agent talk about women and flash money and that sort of thing, do you?

A Talk about women.

Q Well, since Mr. Hoover's death rules have changed.

How about flashing money?

A I don't have that to do.

Q Well, you have plenty of that in this operation, right?

A I wouldn't say I had plenty.

Q You had money for expenses?

A Yes.

Q Particularly related to the type of character you were supposed to be?

A Okay.

Q Which was swinging Tony; is that right?

A Not really. I don't know that I portrayed that image.

Q McCloud was an old stiff and didn't understand, an old stiff, and you were the kind of guy who was with it; is that right?

A If you say so.

Q You recall occasions where Errichetti would say, what is the speech I am going to make, when he was with

you, and Weinberg and you had him ready to go in a con? Do you recall any such instances?

MR. PUCCIO: I object, your Honor.

Q I show you 3500-37, which is page 4.

THE COURT: Is there an objection?

MR. PUCCIO: Yes, to the form of that question.

MR. BROWN: I withdraw the question.

THE COURT: All right.

Q I show you for your information April 9th, '79, page 4. It is denominated 3500-37.

MR. PUCCIO: Thank you, Mr. Brown.

Q I am referring to this here, and I will ask you a question which relates to this.

MR. PUCCIO: May I have the page, please?

MR. BROWN: Page 4. I thought I said page 4. Had I not?

THE WITNESS: Three lines from the bottom.

MR. BROWN: Right.

Q Were there occasions such as the one set forth in the script -- in the transcript I have shown you, where Mayor Errichetti would say, here, well, what is this speech I am supposed to make?

A I am trying to take it in context.

Q Of course, absolutely.

And may I amend my question to say that what I showed you was not stated in the course of the total operation, and if you say so I will amend it.

By the way, I am reminded of something, Mr. Amoroso. It says AA. And if that's not you, I will withdraw it.

A It's circled here AE.

Q Yes. But AA indicates you were present?

A Yes.

Q It is true then on the transcripts from time to time you are called TD, which is Tony DeVito, and sometimes AA, which is Amoroso?

A Correct, correct.

THE COURT: Now what is the question?

Q The question is this: Isn't it a fact within the context of the total con that Errichetti at least on one occasion would turn to you and say, what is the script? What am I supposed to say?

A That's what it says here.

(Continued on next page.)

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Q That's what I'm asking you.

A He says what is the topic, what is the speech that I make. That's what he says here.

Q That would be within the context of the con?

A Unrelated to this matter here.

Q Yes. Unrelated to the matter before us. I'm talking about his attitude in the course of the total con.

So there were times as demonstrated by that incident where he says, what is the speech, what am I supposed to say; is that correct?

A Yes.

Q And I am talking not about that particular instance, but I am talking about attitude and response to coaching.

A Yes. However, no response was made to him here.

Q Was that though in the course ofthe kind of remark he would make when he was to be coached from time to time?

A I don't know if he ever had to be coached the way you put it.

MR. BROWN: I am just walking up to get the book, Judge.

Q Do you deny that within the context of the total scheme he was not coached as to what he was to say to certain people?

A He knew from what we probably would have said to him what we expected from the people that came to see us. If you call that coaching, then that's coaching.

Q Let me put it this way: Was he coached in the sense of told what to say to certain people so that they would say what you wanted them to say?

A No. He was coached the way you are putting it in the sense that he was told anybody that he brought to us would have to know what they were coming there for and why they were there.

Q They would have to say certain things?

A To know why they were there, yes.

Q For example, with respect to the August 22nd television show yesterday, it was understood that Mr. Myers would be told what to say when they went on camera in order to impress the sheik; isn't that right?

MR. PUCCIO: I object, your Honor.

THE COURT: Sustained as to form.

You can refer to it as a videotaped meeting, if you wish.

Q With respect to the videotaped meeting of

August 22nd, it was part of the con that through Errichetti, he was to be told what he would say in order to meet the standards of this sheik's approval; isn't that right?

A Excuse me, Mr. Errichetti was told what we were looking for. It was then whatever he said to Mr. Myers to then get him to meet with us is unknown to me. He knew what we were asking for. And what he told Mr. Myers, I have no knowledge of.

Q You don't know, you don't know what to expect --

MR. BROWN: The videotape episode, may I call it that?

THE COURT: That seems reasonable.

Q With respect to the videotape episode, are you telling this jury that there was no preparation made so that when he came before the audience, before the cameras, that matters would proceed within the design that you had anticipated?

MR. PUCCIO: I object, your Honor.

THE COURT: Strike the audience.

Q When you came before the camera, isn't it a fact that you had so arranged matters and either so conned Errichetti or told him directly that when the person came before the cameras that he would act in a way designed as

you put it to come on strong to convince the sheik; isn't that right?

A Well, he was told what we wanted.

Q For what purpose, Mr. Amoroso?

A For what purpose?

Q Yes.

A So the party that we brought there before he got there had understood what the meeting was all about.

Q What was the meeting about in terms of the video episode of August 20th, what was the meeting about, or 22nd?

A I think it's self-explanatory.

Q I ask you the question and you were the designer. Would you be good enough to tell us what the meeting was all about.

A I will read it to you.

Q Just tell me, what was the design of this meeting? What was it all about?

I will withdraw the question if you have a problem.

It is a fact that what it was all about was is that you wanted there to appear on these video cameras and ultimately on tape for some future jury a scene which would depict people like my client performing, supposedly

for the sheik, but actually so that you could say that he committed a crime; isn't that right?

A Yes.

MR. BROWN: I have no further questions at this point.

THE COURT: Any redirect?

MR. PUCCIO: Yes, your Honor. We may have a few -- may I have a few minutes on that?

THE COURT: It's five minutes of one. Why don't we break for lunch. I have a couple of matters I have to handle during the luncheon hour.

We will resume at quarter after two. During the recess please do not discuss the case.

(The jury leaves the courtroom.)

(Luncheon recess.)

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MR. PUCCIO: I call Ellis Cook, Judge.

E L L I S C O O K, having been first duly sworn by the Clerk of the Court, took the stand and testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Ellis Cook.

THE CLERK: Please spell your last name.

THE WITNESS: C-o-o-k.

MR. PUCCIO: May I proceed?

THE COURT: Proceed.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Cook, are you married?

A Yes, sir.

Q Do you have any children?

A Yes, sir.

Q How many do you have?

A Two.

Q What is your occupation, sir?

A I am an attorney.

Q Are you a member of the Bar of the State of

Pennsylvania?

A Yes, sir.

Q And when were you admitted to the bar?

A I think it was January, 1968.

Q And have you been a practicing lawyer in the State of Pennsylvania ever since?

A Yes, sir.

Q Now, you know the defendant Howard Criden?

A Yes, sir.

Q How did you make his acquaintance?

A I met Mr. Criden I think it was in December, 1968 while we were negotiating opposite sides of a sale of a restaurant. At that time we were negotiating and he asked me if I was looking for other employment. I was just a new attorney at that time. And I said if it's a good job, yes.

And at that time he made me an offer and I went with him in his firm at that time.

Q And in what year was that, sir?

A I think that would be in the end of December or beginning of January, 1968 -- I think it was the end of 1968.

Q And have you remained -- well, did you remain in association with Mr. Criden from that time until on or

about February 2nd or February of this year?

A Yes, sir.

Q Now, do you know the defendant Louis Johanson?

A Yes, sir.

Q And how did you make Mr. Johanson's acquaintance?

A At the time I originally met Mr. Criden in 1968 he and Mr. Johanson were partners. And, of course, when I went with Mr. Criden I was also with Mr. Johanson.

Q What was the name of the law firm, do you recall?

A Fine, Criden & Johanson.

Q What were the successor names?

A Fine, Criden, Johanson, Dolan and Morrisey; and then Criden, Johanson, Dolan, Morrisey and Cook.

Q And what is the name of your present firm with which you are associated?

A Romiser, Cook & Richman.

Q And these gentlemen were previously associated with you, Mr. Cook?

A Yes.

Q They were part of the former law firm?

MR. BEN-VENISTE: Objection, your Honor. Relevance.

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(transcript of audio tape Exhibit 1, 8/5/79 meeting)

Exhibit 2A 48 1/E7
(transcript of audio tape Exhibit 2, 8/6/79 meeting)

Exhibit 3A 61 1/F6
(transcript of audio tape Exhibit 3, 8/7/79 meeting)

Exhibit 4A 72 1/G3
(transcript of audio tape Exhibit 4, 8/8/79 meeting)

Testimony of Norman Kirk 76 1/G7

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Exhibit 5A 128 2/D7
(transcript of video tape Exhibit 5, 8/22/79 meeting)

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Exhibit 19A 594 7/D3
(transcript of audio tape Exhibit 19, 7/29/79 telephone conversation)

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(transcript of audio tape Exhibit 21, 7/31/79 telephone conversation)

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Exhibit 22A 624 7/F5
(transcript of audio tape Exhibit 22, 7/31/79 telephone conversation)

Exhibit 23A 637 7/G4
(transcript of video tape Exhibit 23, 9/19/79 meeting)

Exhibit 24A 652 8/A9
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Testimony of Michael Wald 1211 14/A6

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Exhibit 7A 1243 14/C10
(transcript of video tape and audio tape Exhibit 7, 1/24/80 meeting)

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Testimony of Edgar Best 1493 17/A8

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(excerpt of 6/16/79 telephone conversation)

Exhibit T-2 . . . . . 1857 20/G6
(excerpt of 6/20/79 telephone conversation)

Exhibit T-3 . . . . . 1857 20/G6
(excerpt of 6/28/79 telephone conversation)

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(excerpt of 9/5/79 telephone conversation)

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MR. PUCCIO: I will withdraw it.

Q Now, Mr. Cook, what type of work have you done at the -- have you done at the Criden, Johanson law firm?

A The first year I did personal injury work with Mr. Fine. Thereafter I became really under Mr. Criden doing real estate and corporate and commercial law.

Q For how long a period of time did that continue, sir?

A I would say from the latter part of 1969 to February of this year.

Q Did you ever do any legal work with or for Mr. Johanson?

A Certainly.

Q What type of work did you do with him or for him?

A Well, Louis -- most of the work I would do is not with Lou but for him. Let's say his schedule is busy and I would take a hearing for him or that type of thing. I didn't work day-to-day with Lou or anything in that regard.

Q Would you be able to describe your relationship between you and Mr. Criden during the period of time that you were associated with him?

A It was more like a father and son than a partner and associate. I love the man.

Q And what was your relationship to Mr. Johanson?

A Fine. I really liked Mr. Johanson.

Q Was it the same kind of relationship you had with Mr. Criden?

A No, sir.

Q Now, sir, did you ever hear of a man named Neifeld?

A Yes, sir.

Q Who is Mr. Neifeld?

A Mr. Neifeld is I guess the best term is an investor. He buys and sells real estate.

Q Where is he located?

A I think it is the Warwick Hotel in Philadelphia.

Q When for the first time, if you recall, Mr. Cook, did you hear of Mr. Neifeld?

A It may have been a few years ago. I don't recall how I heard the name.

Q Do you recall how you heard Mr. Neifeld's name?

A Mr. Criden knew him. I think he had either done some work with him or he knew him.

Q Now, Mr. Cook, during the year 1979 did there come a time when you heard Mr. Neifeld's name in connection with a piece of property in Atlantic City?

A Yes, sir.

Q When did that occur?

A To the best I could say is the spring of 1979.

Q And who did you hear about this from?

A Mr. Criden.

* * *

Q To get back to my question, Mr. Cook, I direct your attention to the first conversation that you had with Howard Criden and try to place the day, if you can, at least the month, about the Neifeld property in Atlantic City, and tell us the best you can recall what you said to him and what he said to you.

A I would say Mr. Criden had indicated sometime in the spring of 1979, and that's the best I can put as the date, that Mr. Neifeld had a property that's a square block on the boardwalk in At lantic City, New Jersey, had an option to purchase it. And he was looking to finance it so he can build a hotel casino on that site. And we discussed -- and this was Howard and I, Mr. Criden and I -- different ways of possibility financing the hotel casino. There was no specific conversation. It was more a discussion, not a sitting down -- it was more a discussion.

Q Was this at your office?

A Yes, sir.

Q Where is your office located?

A 1424 Walnut Street, Philadelphia.

Q Downtown Philadelphia?

A Yes, sir.

Q Now, did there come a time when some arrangement took place concerning the Neifeld property?

A Yes, sir. I guess it would be the early part of July 1979 that Mr. Johanson came back to the office and indicated he had been down the shore, I guess the Atlantic City area, over the weekend and he had met a fellow by the name of Meiler -- I don't remember his first name -- who indicated he knew somebody who knew somebody who had money who would be interested in financing a hotel casino down in Atlantic City.

Q And whom did Mr. Johanson tell this information to?

A I believe it was to Mr. Criden and myself. Or it might have been to Mr. Criden who then told me. I'm not sure, sir.

Q In any event, you found out about it; is that right?

A Yes, sir.

Q And would you have heard about it in your law office in Philadelphia?

A Yes, sir.

Q Now, prior to the time that Mr. Johanson said that Meiler had a friend who had a friend, as you described, did you, Mr. Criden or any member of the law firm, the law firm itself, have any arrangement with Mr. Neifeld concerning the sale or financing a casino on that property?

A Prior?

Q Prior to the time that Mr. Johanson talked about Mr. Meiler's friends.

A At that time I think it was pretty tentative with nothing in writing. It is just that someone would be able to finance it and there would be a fee. I don't think there is anything reduced more definite to that at that point.

Q Did you understand there was a fee involved if the property was sold or financing was obtained for Mr. Weifeld?

A Certainly, sir.

(Continued on next page.)

Q Now, in that converation wherein Mr. Johanson had advised what he found out from Mr. Meiler, was there any mention of whom Mr. Meiler's friend was?

A I think it was Mayor Errichetti. It was either mentioned that day or a day or two later.

Q So you learned in any event that it was Mr. Errichetti; is that right?

A Yes, sir.

Q And according to your testimony Mr. Errichetti was Mr. Meiler's friend; is that right?

A He knew him. I don't know if "friend" is a proper word, sir.

Q And according to your testimony you heard that Mr. Errichetti in turn had a friend who had money for the Neifeld property possibly; is that right?

A Yes, sir.

Q And during his first conversation with Mr. Johanson or Mr. Criden were you told who this friend of Mr. Errichetti's was?

A I think it was just some Arabs who had a lot of money and were interested in this type of thing.

Q Were the Arabs identified by name at that time?

A I would say no, sir.

Q Now, was there any further conversation about these friends of Mr. Errichetti?

A When?

Q After your very first conversation was there another conversation about them?

A I think the next thing that happened was that there was a meeting arranged. I think Mr. Criden and Mr. Johanson and Mr. Errichetti met with Mr. Meiler. I am not sure, but that seems to have happened.

MR. BROWN: I ask that it be stricken, your Honor. He mentioned my client and he isn't sure, so I object.

THE COURT: Read it back, please.

(The Court Reporter reads back as requested.)

THE COURT: You said it seemr to have happened?

THE WITNESS: Sir, I remember there was a meeting set up and I don't remember -- I think what I was saying is I don't remember Mr. Meiler. There was a meeting with Mr. Johanson and Mr. Criden where they were supposed to meet with Mr. Errichetti. I am not sure Mr. Meiler was there or not.

THE COURT: Did that meeting occur?

THE WITNESS: The best I know they went for that meeting and we left a letter agreement to have

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signed with Mr. Neifeld if we were successful to have the property sold or financed.

THE COURT: Motion to strike is denied.

Q Let me take you back, Mr. Cook.

Was there a time after you first heard of Mr. Errichetti in this context that you were advised by Mr. Johanson or Mr. Criden or both that there would be a meeting with Mr. Errichetti and Mr. Meiler?

A Yes, sir.

MR. BROWN: I object to that as leading, if your Honor please. All he has to say is yes or not. It's a classic response.

THE COURT: Overruled.

A Yes.

Q Approximately or to the best of your recollection when were you advised that this meeting with Mr. Meiler and Mr. Errichetti and Mr. Johanson and Mr. Criden was to take place?

A Either the day before or the day the meeting was to take place.

Q And would you be able to give us some point of time as to when this occurred?

A My best recollection would be the second week

of July.

Q Of last year?

A Yes sir, 1979.

Q All right.

Now, did there come a time after you were advised that this meeting was to take place that you met with Mr. Criden and Mr. Johanson again?

A I don't think so.

Q Well, you certainly met with them after they --

MR. BEN-VENISTE: Objection, your Honor, to the form of the question.

THE COURT: I haven't heard the question yet. Strike the "well".

Rephrase the question.

Q After you were advised that the meeting with Mr. Meiler and Mr. Errichetti was to take place, did you have a further conversation with Mr. Johanson and Mr. Criden about it?

A The answer is, I think only with Mr. Criden, not with Mr. Criden and Mr. Johanson.

Q All right.

What did you say to Mr. Criden and what did he say to you? And place the time if you can.

A The best I can do, sir, is just between the

second week of July and the 25th of July. That's the best I can identify it timewise.

Q All right.

Where did the conversation take place?

A It would be in our office.

Q Go ahead. Tell us as best as you can recall what you said and what Mr. Criden said.

A Mr. Criden and I prepared a letter agreement to be signed by Mr. Neifeld embodying what our law firms fee would be in the event we were successful in having the hotel site either sold or financed.

Q And what were the terms of this agreement, if you recall?

A The sales agreement I remember. It stated that any sum in excess of 12 million dollars that we got from Mr. Neifeld would be ours. However, the person who bought it would also have to pay 8 million dollars, which was the least purchase price to the owners of the property. So that actually meant that anything in excess of 20 million dollars the buyer actually came up with would be our commission or fee.

As to the financing arrangements, it's a staggered fee and I just remember it was a percentage of the financing and some other conditions. I don't remember

that as well, sir, because it started to be at all times talking about a sale. Financing went out of the picture very quickly.

Q In any event, there were two agreements with Mr. Neifeld; is that right?

A Yes, sir.

Q And you participated in the drafting of these two agreements?

A Ys, sir.

Q And was there any conversation before these agreements were drafted concerning what had happened at the meeting with Mr. Meiler and Mr. Errichetti?

A They had arranged a meeting to take place in Florida and that's the reason we wanted one of the agreements for Mr. Neifeld we wanted to be prepared and signed.

Q Were you told by Mr. Criden or anyone who wa ɔ be met with in Florida?

A It was these representatives of a Sheik.

Q Now, were any names furnished at that point to you?

A No, sir.

Q And do you know where in Florida this meeting was to take place?

A It was Fort Lauderdale.

Q Now, Mr. Cook, did there come a time when Mr. Neifeld to your knowledge signed these two agreements?

A Well, they were amended by his counsel and redrafted and then eventually I think on July 25th they were both signed by Mr. Neifeld and his partner.

Q Did there come a time when you were advised by Mr. Criden or Mr. Johanson that they would travel to Fort Lauderdale?

A I would say everybody in the office knew at least a week before they went down that there was going to be a meeting. We were very excited about it.

Q Do you know what date they would travel, they traveled to Fort Lauderdale?

A I think they left the 25th because I think the meeting was the 26th.

Q Do you know if anyone else was going to Fort Lauderdale?

A Well, Mayor Errichetti was supposed to be there and I don't remember whether Mr. Meiler was supposed to go or not.

Q Now, Mr. Cook, did you have occasion to speak to Mr. Criden and Mr. Johanson after that trip to Fort Lauderdale?

A Yes,sir.

Q And how long after they returned did you speak to them?

A I would say immediately. They were both very excited. The deal looked good.

Q Okay.

And was that during July that you spoke with them?

A It had to be a few days after the meeting. I don't know if they came back then or after the weekend, but it would have been in a few days.

(Continued on next page.)

Q So within a few days of the meeting you spoke to them?

A Yes.

Q Where was it that you spoke with Mr. Criden and Mr. Johanson after their return?

A It would have been in the office, sir.

Q All right.

Now, tell us as best you can recall what you said, what Mr. Criden said and what Mr. Johanson said during that meeting?

A Well, most of the meeting he had indicated, that's Mr. Criden, I believe he would have done all the talking, most of the talking, that they met with the representatives of the Sheik, they took down with them blueprints, prospectus, a report of the contract and the estimated cost of the hotel casino. The entire package was taken down.

They indicated they met on a yacht, that they met a Mr. Weinberg and a Mr. DeVito; that Mr. Weinberg was the financial advisor for the Sheik and Mr. DeVito was like his right hand man, like in his stead when he is not around.

They explained the entire package and the casion deal and they said, I believe that Mr. DeVito is the

man who said it and that it looked very good and he was going to take the package to London with him because that's where the Sheik was, but he said almost definitely that's the deal the Sheik would want and we could almost start counting the money already from our commission on the sale price.

The sale price to be taken down to Florida was 25 million dollars, so there was a five million dollar sommission in the deal for the sale of the hotel.

Q Who was to split the five million dollar commission?

A It was predominently our firm because we had the deal with Mr. Neifeld. But I think it also had to be split, as I remember Mr.Criden saying, with Mayor Errichetti and Mr.Meiler, because they introduced us to the Sheik. And I also understood that Mel and Tony would get a piece of the commission.

Q And how many different ways is that?

A As I understood it, we would get half and everybody else would split the other half.

Q So you would get --

A Two and a half million dollars.

Q Two and a half million dollars?

A Yes, sir.

Q And Mayor Errichetti and Mr. Meiler and Tony and Mel would split the rest?

A Yes, sir.

Q This is what you were told?

A Yes, sir, by Mr. Criden, yes, to the best of my recollection.

Q Was there any mention during this conversation, Mr. Cook, of Mr. Criden's plane trip back from Fort Lauderdale?

A Yes. Mr. Criden indicated that on the way back he sat with Mayor Errichetti on the airplane and they got to talking and Mayor Errichetti also indicated that the Sheik was very interested in meeting with various Congressmen and we could make some fees if we introduced him to Congressmen.

Q Did Mr. Criden tell you that Mr. Errichetti had said anything else?

MR. BEN-VENISTE: Objection, your Honor, to the form of the question. Leading.

THE COURT: I didn't get the last part of the question. It wasn't leading up to the part I heard.

Read me all of it, Mr. Rapaport.

(Court Reporter reads back as requested.)

THE COURT: Overruled.

A Yes,sir.

Q Tell us, please, Mr. Cook?

A He indicated that Mayor Errichetti had told him that he had already introduced I believe Senator Williams to the Sheik.

Q Yes.

A And he had received $100,000 for that.

Q Who had received $100,000 for that?

A I don't know, sir.

Q What did Mr. Criden tell you?

A He just said that they introduced Senator Williams to the Sheik and received $100,000. I don't know who was at the meeting, sir.

Q Mr. Cook, Mr. Criden told you that Mayor Errichetti told him; is that right?

MR. BROWN: I object, your Honor. I object. That's an improper recapitulation and obviously leading. The question has been asked and answered on two separate occasions.

THE COURT: Overruled.

Q Mr. Criden told you that Mayor Errichetti told him what about Senator Williams?

MR. BROWN: That's why I object, your Honor.

It's been asked and answered and, therefore, a leading question.

THE COURT: Overruled.

MR. BROWN: It's irrelevant.

A He had indicated that he had introduced Senator Williams to the Sheik. They had received $100,000 at that time.

Q And who is the they?

A I would assume Senator Williams.

MR. BROWN: Objection.

Q What were you told?

MR. BROWN: He has already said that three time already.

A To the best I recall, sir --

MR. BROWN: I object for the repetition.

THE COURT: Overruled.

A The best I recollect is he said they introduced Senator Williams to the Sheik and $100,000 was passed and received at the meeting. I can only assume it was the people at the meeting.

MR. BEN-VENISTE: Objection, your Honor, to the presumption.

THE COURT: Was anything more said as to who, quote, they, unquote were?

THE WITNESS: No, sir. There were no other names that I can recall.

THE COURT: Mr. Cook, so that I understand what you are saying, were Mr. Criden's words to you that they received $100,000?

THE WITNESS: Let me think for a second, sir.

THE COURT: Yes.

(A pause in the proceedings.)

THE WITNESS: Just that there was a meeting and there was $100,000 passed. It wasn't definite that I remember as to who received it or was handed the money. It was just that there was $100,000 paid for meeting with the Sheik, sir.

THE COURT: All right. Proceed.

Q And, Mr. Cook, were you told by Mr. Criden what the $100,000 was paid for?

A No, sir.

Q Now, was there any discussion during this converation about Congressmen?

A He had said that Mayor Errichetti had told him that if we knew any Congressmen and we could introduce them to the Sheik, we could make some fees.

Q And what did you say at this meeting?

A I didn't know anybody. I -- we --

Q Did Mr. Johanson say anything?

A Bascially it was just that he would see around if there was anybody who wanted to meet with the Sheik.

Q Do you want to finish? I'm sorry.

A I was just going to say he was active in politics and knew a lot of people.

Q He was a City Councilman at that time; isn't that right?

A And still is, sir.

Q And he was a Ward leader at the time; is that right?

A He still is and he was, yes.

Q What is a Ward leader, Mr. Cook? Do you know?

A That's somebody who in this case is a democratic chairman who is a chairman of a certain political area which encompasses 200,000 people, I believe is the amount.

Q Did Mr. Johanson say at this meeting that he would attempt to contact any Congressman?

A I think he indicated that he would see if anybody he knew was interested in meeting with the Sheik.

Q Did he mention any names?

A I don't think so at their first meeting, sir.

Q Now, you used the word, "fee"; is that right?

A Yes, sir.

Q When describing what Mr. Criden told you; is that correct?

A Yes, sir.

Q And were you told who was to receive this fee?

A Well, the Congressman was to get the money and we were to get a portion of it for delivering him, taking him to the meeting wherever it would be, whatever would happen.

Q So everybody was to get a fee; is that right?

MR. BEN-VENISTE: Objection, your Honor.

MR. DUFFY: Objection.

THE COURT: Sustained.

Q Well, what was the Congressman going to get?

A He was going to receive money, as I understood.

Q How much?

A At that time I had no idea, sir.

Q And what was the Congressman going to get the

money for Mr. Cook?

A At that time I had no idea, sir.

Q Well, didn't you ask Mr. Criden what the Congressman was going to get the money for?

A Are we still at the first meeting?

Q Yes.

A At that time, to be honest, we thought it was a fantasy, a war story. We didn't think anybody would pay money.

Q You already heard that $100,000 was paid; is that right?

MR. BEN-VENISTE: Objection, your Honor. Argumentative with his own witness.

THE COURT: Sustained.

Q Well, during this conversation, Mr. Cook, were you told what you receive money for?

A At that time it was indicated that if we could have some Congressmen meet with the Sheik we could make some money and at that point that was it at that meeting, sir.

There was nothing further about it.

Q And this would be a fee; is that right?

A That's what we work for, a fee, in our law office; yes, sir.

Q Have you ever done anything like this before?

A No.

We had never been offered anything like this. It seemed to be very easy.

(Continued on next page.)

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Q And as you understood it, what were you to do for this fee, Mr. Cook?

MR. BEN-VENISTE: Objection.

A We had to introduce the Sheik to Congressmen because he wanted to meet Congressmen and explain his position and what he wanted to do and his theories and what he wanted.

At that point it was too early -- what I am saying, sir, at this meeting it was nebulous. We didn't think there was anything real here.

Q I see.

But you learned through later meetings what this was all about; is that right?

A Yes.

Q And when was the next such meeting that you had, Mr. Cook, concerning this matter and with whom?

A I can't give you days, sir, but sometime --

Q As best you can recall.

A I would only say between the meeting in Fort Lauderdale and the latter part of August is the best I can do, sir.

Q Did you have occasion to discuss this matter with Mr. Criden and Mr. Johanson again?

A At a later time, and I would say within a

week or so Mr. Johanson had indicated he had talked with Congressman Myers and he would be willing to meet with the Sheik or the Sheik's representatives, I don't remember which one it was.

Q And did Mr. Johanson say anything else?

A At that point, no, sir.

Q Now, at this point were you advised by anyone, Mr. Cook, of the specific reason why the Sheik's representatives wanted to meet with the Congressman?

A Yes.

Prior to the end of August we were told that the Sheik was concerned that there may be a revolution in his country and he would have to seek asylum in the United States or he felt he may have to anyway.

Q I see.

And who told you this?

A Mr. Criden, sir.

Q And did he tell you anything else about the Sheik's concerns?

A Just that he wanted to be able to leave his country if a revolution happened and bring his family with him.

Q And do you remember anything else about this matter, the Sheik's concern, that is?

A I know he was interested in investing in this country also. That's one of the reasons we met with him on the yacht.

Q Were you ever told at this time that the Sheik and his representatives were willing to pay money to alleviate certain concerns that you have?

MR. BEN-VENISTE: Objection to leading, your Honor.

THE COURT: Overruled.

A He had indicated, we were told that the Sheik would pay to meet with the Congressmen and explain his position that he wanted to come into this country if there was a revolution in his country.

Q And in this connection you were told that the Sheik or his representatives wanted to pay the Congressman money to do something; is that right?

MR. DUFFY: Objection to form, sir.

MR. PUCCIO: I would submit I am permitted some latitude at this point.

MR. DUFFY: Objection to the commentary, your Honor. We were instructed not to.

THE COURT: The jury will disregard the comment.

Objection is overruled.

A Would you reread the question, sir?

THE COURT: Yes.

(Record read.)

A It was never said to do something, sir.

What was indicated is that he wanted to have the meeting, pay the Congressman so in the event anything happened he would have a friendly face here in this country if he had to come here quickly.

Q What would this friendly face do?

MR. BEN-VENISTE: Excuse me, your Honor. I object to the form of the question.

If we are asking for conversations, I think we should identify the participants in the conversation and who said what.

MR. PUCCIO: I can rephrase that, Judge.

THE COURT: Clear that up, if you will, please.

Q What were you told?

A I was told by Mr. Criden that the Sheik wanted to meet with Congressmen so that he can explain his position, that he was willing to invest in this country. But he wanted to be able to come into this country with his family in the event there was a revolution or he had to leave his country. And he wanted to meet with various

Congressmen so there would be a friendly face, if this event ever occurred.

That's what I was told.

Q Were you told by Mr. Criden how the Congressman's face would become friendly?

A It's just that there was somebody he could approach that he had already met, somebody that wasn't a stranger in the event of a revolution when he wanted to come to somebody that sort of owed him a favor, was my understanding. It was somebody who had done something for him, explaining --

MR. DUFFY: Your Honor, I object. This witness is characterizing in a critical area, sir.

MR. BEN-VENISTE: May we have only the conversation, your Honor, and we move to strike the characterization. I believe he has given the conversation.

THE COURT: Is what you have told us what you were told by either Mr. Criden or Mr. Johanson?

THE WITNESS: Yes.

I was going into some more of what I was told, sir.

THE COURT: The objection is overruled. The motion is denied.

THE WITNESS: It was indicated to me by

Mr. Criden that Mr. Errichetti told him that the Sheik had like 100 million dollars in a safe deposit box and he would pay 50 or $100,000 like you or I giving a $5 tip to somebody in a restaurant, and this was his way of transacting some business.

Q Who was the Sheik going to pay the money to according to your conversation?

A The Congressman, sir.

Q And were you told by Mr. Criden or Mr. Johanson what the Congressman was to do for this money?

A All it was is that he would help the Sheik come into this country. And the expression was if he was going to invest in this country and do this sort of thing, could the Congressman help him if it was necessary to come into this country.

Q Were you told by Mr. Criden and Mr. Johanson that the money would be paid so the Congressman would be beholden to the Sheik?

A That's the word I used with you, yes.

MR. BEN-VENISTE: I object, sir. Whether it's the word Mr. Cook used is irrelevant in this conversation with Mr. Puccio.

The question is what Mr. Cook was told by someone else. If that is what Mr. Criden said,

that's one thing. If that's what Mr. Cook is characterizing, it's another.

THE COURT: Mr. Cook, counsel's comments are at least partially correct.

Is that a term that Mr. Criden used in describing this with you?

THE WITNESS: No, sir. That's my term.

THE COURT: That is your interpretation of what it is Mr. Criden told you?

THE WITNESS: Yes, sir.

THE COURT: As long as the jury understands whose term it is, I will let it stand.

(Continued on next page.)

CONTINUED DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: You may proceed, Mr. Puccio.

Q Now, was it your understanding, Mr. Cook, from your conversations with Mr. Criden that the sheik was willing to pay money so that the congressman or men would be beholden to him?

MR. BEN-VENISTE: Objection, your Honor. Irrelevant.

THE COURT: I have problems with the question, Mr. Puccio. His understandings are a very broad concept. Can you narrow it down a bit?

MR. PUCCIO: Yes.

Q Was it your understanding, based upon your conversation with Mr. Criden that the sheik would pay a congressman so the congressman would be beholden to him?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

A Is that my understanding?

Q Yes.

A Yes, sir.

Q And that was based upon your conversation with Mr. Criden; is that right?

MR. BEN-VENISTE: Objection, your Honor. Repetitive.

THE COURT: Asked and answered.

Q Now, did there come a time, Mr. Cook, when any specific figure or number was mentioned as the amount of money that was to be paid in connection with this matter?

A Yes. Mr. Criden indicated it was to be $100,000, sir.

Q And did he indicate who was to receive that $100,000?

A No. That was never talked about. Do you mean divided? When you say "received," I don't know what you mean, sir.

Q All right. Did Mr. Criden indicate to you who would be the recipient ultimately of that $100,000?

A No.

Q Were you told that anyone in your law firm would receive part of that?

A When we discussed $100,000, sir, I could never remember any split-up being discussed, because we still didn't think it was really even after the meeting was set up.

Q Now, you said you didn't think it was really even after the meeting was set up?

A Yes, sir.

MR. BEN-VENISTE: Objection, your Honor, as repetitive.

THE COURT: I will permit it. Overruled.

Q And what meeting are you referring to?

A The meeting where Congressman Myers was to meet with the sheik's representatives.

Q And did Mr. Criden ever say anything to you about the meeting with the sheik's representatives not being real?

A Yes. It had been cancelled a few times and we just thought it was a story, a meeting would be set up, cancelled, set up, cancelled. We just felt somebody would be -- was talking, blowing smoke.

Q Had Mr. Johansen, to your knowledge by that time contacted Congrssman Myers?

A Yes, sir. There was a meeting set up, yes, sir, there was.

Q And are you saying the meeting with Myers was set up and cancelled a few times?

A To the best of my recollection, it was cancelled, I believe twice, sir.

Q Well, Mr. Cook, do you remember the day

in which -- withdrawn.

Were you told by Mr. Criden who was to attend this meeting with Congressman Myers?

A Yes, sir.

Q What were you told?

A I was told Mayor Errichetti and Congressman Myers would meet with the sheik's representatives.

Q And were you told anything else concerning this meeting with Congressman Myers and Mr Errichetti and the sheik's representatives?

A That it was going to be in New York, I think.

Q Were you told where it was going to be held?

A The only thing that sticks in my mind, sir, is that it was at Kennedy Airport.

Q Now, Mr. Cook, do you know or do you recollect whether or not Mr. Criden or Mr. Johanson were to attend this meeting?

A They were not to attend the meeting, sir.

Q Did either one or both of them tell you whether or not they were going to travel to New York?

A They were going to travel to New York , but they were not going to go to the meeting.

Q How did you learn that they were going to travel to New York?

A Mr. Criden and Mr. Johanson told me.

Q What did they tell you they were going to do?

A That Mr. Criden was going to go to New York, that Mr. Johanson and Congressman Myers were going to drive up to New York together. They were going to meet Mayor Errichetti there, and then Congressman Myers, Mayor Errichetti were going to meet the sheik's representatives.

Q Were you told how Congressman Myers and Mr. Johanson were to go to travel to New York?

A Particularly from Longport, New Jersey, where they both live.

Q By what means of transportation?

A I think it was car, sir.

Q Were you told?

A Iam certain they said they were driving up to New York from Longport.

Q Who told you that?

A We had discussed it, Mr. Johanson, Mr. Criden and I had discussed the meeting going on, how they were going to get up there.

Q So you discussed the actual travel arrangements; is that correct?

A Yes, sir.

Q And did you discuss Mr. Criden's travel arrangements?

A I just knew at that time prior to the date of the meeting that he was going to go up to New York. That was all.

Q And do you know how he was going to go up to New York?

A Not until the day he left for New York.

Q And you learned on that day how he was to travel to New York?

A Yes. He left from the office, sir.

Q And did he leave with anyone?

A I am certain he left with his son, Michael.

Q Prior to the time that Mr. Criden -- withdrawn.

Did you learn whether or not they were to travel by automobile to New York?

A He said --

Q That is the son of Mr. Criden and Mr. Criden himself?

A They said they were going to drive to New York.

Q All rigith.

Did you learn Mr. Errichetti's travel arrangements at this meeting?

A I think he was told that he was going to drive up separately in New York and meet them there.

Q From where?

A Camden, I would assume, sir.

Q Who told you that?

A It would either be Mr. Criden or Mr. Johanson.

Q Now, as I understand it, you were told that Criden or Mr. Criden and Mr. Johanson were not going to be in the actual meeting; is that right?

A Yes sir.

MR. BEN-VENISTE: Objection, your Honor. Asked and answered.

THE COURT: Overruled.

A They were not to be at the meeting, no, sir.

Q Did either one or both of them explain where they were going to be or where the meeting would take place?

A Wherever they were to meet Mayor Errichetti, wherever that was.

Q Did either one or both of them, that is Mr. Criden or Mr Johanson, explain to you why they were going to be at the actual meeting?

A That's what Mayor Errichetti and the sheik's representative had arranged.

Q That's what you were told?

A Yes, sir.

Q Now, let's turn to the day in which you said you remember Mr. Criden leaving the office to attend the meeting.

Did he say anything, that is, did Mr. Criden say anything to you upon his departure?

A He said he was going to the meeting, he would be back and hang around.

Q He told you to hang around; is that right?

A Yes, sir.

Q Did he tell you where to hang around?

A The office. He thought he would be back about five, six o'clock. We would probably be there anyway.

Q Now, did you hang around the office that day?

A Yes, sir.

Q Do you remember the day?

A No, sir.

Q Would you agree that the date was August 22, 1979?

A That sounds right, sir.

Q Did there come a time on that day, August 22, 1979, when any of the people who you were told attended that meeting or went to New York returned to the office?

A Yes, sir.

Q And who was the first person to return, if you recall?

A Mr. Criden and his son.

Q Where wre you when Mr. Criden and his son came through the door?

A I was working at my desk.

Q And when Mr. Criden and his son, Michael Criden, that is, entered the office, were either of them carrying anything?

A Yes, sir.

Q Were they both carrying something or one of them?

A Michael Criden had an expansion folder on -- under his arm and I think a paper bag.

Q Was Mr. Criden carrying anything?

A I don't think so, sir.

Q Tell us, Mr. Cook, as best you can recall, what happened when they both returned to the office on that evening?

A Mr. Criden, that's Howard Criden, walked into my office, took the envelope from his son, and was walking with me.

Q What did he say?

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A His son walked away at that point and I didn't stay there. He said the meeting had taken place and there wasn't $100,000, it was only $50,000. He then said he had $35,000, Mayor Errichetti had taken $15,000, and left $35,000 there. And he didn't know what he was going to tell Congressman Myers, because originally it was to be $100,000. It was like what do we do at this point type of situation.

Howard and I thendiscussed if there was supposed to be one hundred and there is only thirty-five left, when Congressman Myers came back, we probably would get nothing. And at that point we decided and took out $10,000 and put it aside and said we would tell Congressman Myers there was $25,000 left, and he should do with it whatever he considered fair.

Q Then what happened?

A Congressman Myers came back in with Mr. Johanson. They introduced me to Congressman Myers and I went back to my own office. I was in Mr. Criden's office at that time.

A few minutes later they called me in. Apparently Congressman Myers had left. And they called me back into Mr. Criden's office, and there was $10,000, plus the $10,000 I had in my office.

Q Well, after Congressman Myers left and you walked into Mr. Criden's office, are you saying you observed $10,000?

A I don't know if I observed it or if they told me it was $10,00, but I did see it, I don't know if it was that moment, or a few moments later.

Q Who was standing in the office at that time?

A Mr. Criden, Mr. Johanson and myself.

Q Was there a conversation?

A He said, Congressman Myers said if that's all there was, it was fair that he took fifteen and left ten.

Q Who said that?

A I think Mr. Criden.

Q What happened to the $10,000 that had been withdrawn from the thirty-five before Congressman Myers left?

A I put it on Mr Criden's desk and he put it with the other $10,000. So he then had $20,000.

Q What happened next?

A They gave me $4,500 as my share and I left.

Q Were you advised, Mr. Cook, of the disappearance of the rest of these moneys?

A As best I remember, Mr. Criden indicated

he got $9,000, or $9,500, and Mr. Johanson got either $6,000 or $6,500?

Q And that was indicated to you by Mr. Criden and Mr. Johanson; is that right?

A I think by Mr. Criden. I don't think it was Mr. Johanson.

Q Now, so you left that evening with $4,500 in cash; is that right?

A Yes, sir.

Q Do you remember the denominations of the bills, Mr. Cook?

A I think they were one hundred dollar bills, sir.

Q What did you do with that money when you left the office?

A Took it home with me, sir.

Q What did you do with it when you got it home?

A I put it in a metal lock box I have in the house. Then I eventually put it in a safe deposit box.

Q Where is your safety deposit box located?

A Trevose Federal Savings and Loan.

MR. PUCCIO: May I have a moment, your Honor?

THE COURT: Let's all take a moment.

(After recess.)

THE MARSHAL: Please be seated.

THE COURT: Bring in the jury.

(Jury entered the Courtroom.)

THE COURT: All right, Mr. Puccio, you may proceed.

BY MR. PUCCIO:

Q Mr. Cook, after the $4500 that you had received was placed in that box in your house, did you then begin to believe that this matter was real?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Sustained.

MR. DUFFY: That's a rhetorical question, your Honor. I object.

THE COURT: Sustained.

Q What happened to that $4500?

A I eventually put all or most of it into my savings account.

Q And -- that's your savings account?

A Yes, sir. It went to a savings account, yes, sir, Bell Savings and Loan.

Q Well, Mr. Cook, did you have a safety deposit box?

MR. BEN-VENISTE: That's already been asked

and answered, that he put it first into the safety deposit box, next into the savings account.

THE COURT: I'm not sure that the "first" and "next" is accurate; but he has testified that he did put it into a safety deposit box.

MR. PUCCIO: I'm sorry,Judge.

Q Where did you maintain this safety deposit box?

A Prevost Federal Savings and Loan, sir.

Q And when did you put the $4500 into that safety deposit box?

A Sometime thereafter. I don't think too long.

Q Well,on the 22nd, you put the $4500 in the box, in the locked box in your house; is that right?

A Yes, sir.

Q How many days after you put the $4500 in the safety deposit box at Prevost Savings and Loan?

A Number one, I don't know if I put it all in, sir; and secondly, I would have to see the card from the bank. I think it was sometime shortly thereafter.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q (Handing documents) I show you Government's Exhibit 13 and I direct your attention to this blue card and this yellow slip, and I ask you to take a look at that.

A Yes, sir.

Q Do either one of those documents refresh your recollection as to when in point of time you visited that box after the August 22nd meeting?

A It appears to be August the 25th, sir; so it would be a few days thereafter.

Q And to the best of your recollection how many of these dollar bills did you put in that box on that day?

A I would say most of it, sir.

Q What did you do with the rest of it?

A I know I paid some expenses with it, and I don't remember exactly when that occurred?

Q Well, what type of expenses?

MR. BEN-VENISTE: Your Honor, I object only as to the relevance of this in taking --

THE COURT: Is there some special element to it, Mr. Puccio?

MR. PUCCIO: I'll move on.

THE COURT: All right.

Q Now, does your signature appear on those two

documents from that Exhibit that I showed you?

A Yes, sir.

Q And do you know what those two documents are?

A One is the initial contract entered into by and between myself and my wife, and Prevost Federal Savings and Loan, for a safe deposit box, dated October 14, 1978; and the other is a record of a vault visitation signed by myself, dated August 25, 1979.

Q And your signature appears on those two documents, sir?

A Yes, sir.

MR. PUCCIO: Your Honor, I offer those two documents into evidence.

THE COURT: Any objection?

MR. BEN-VENISTE: No objection, your Honor.

MR. DUFFY: No objection.

THE COURT: Received in evidence.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes. Is that Exhibit 13?

MR. PUCCIO: Yes, Judge. But at the present time I'm only asking for part of it to be received. Perhaps we can --

THE COURT: Just the blue card and the yellow card you referred to?

MR. PUCCIO: Yes. Maybe we can mark these as 13A, or some --

THE COURT: They are now referred to on the record as Exhibit 13. We will mark those two documents. You can staple them together or clip them together. They will be Exhibit 13. If you've got other parts --

MR. PUCCIO: I'll remove the others --

THE COURT: -- then you can designate those by letters as well.

MR. PUCCIO: Thank you, Judge.

(Continued on next page.)

BY MR. PUCCIO:

Q Now, in the days after the August 22nd meeting, was there any conversation that you had with anyone about another safety deposit box?

A Yes.

Q And who did you have the conversation with and when, to the best of your recollection?

A I would say shortly after the meeting with Mr. Criden.

Q Shortly after the August 22nd meeting?

A Yes,sir.

Q You had a conversation with Mr. Criden?

A Yes, sir.

Q About another box?

A Yes, sir.

Q And what did you say and what did he say to the best of your recollection?

A Mr.Criden said to me that Mr.Johanson did not have a safety deposit box, and I should get the card so Mr. Johanson could be added to the safety deposit box that Mr. Criden and I had together.

Q And where was the safety deposit box that you and Mr. Criden had together?

A Bell Savings and Loan Association.

Q Where was that located?

A 15th Street, Philadelphia.

Q And as a result of this conversation with Mr. Criden, did you do anything?

A I went to Bell Savings and Loan and got another signature card.

Q And on what date did you do that, do you know?

A No idea, sir.

Q About how long after the August 22nd meeting with Congressman Myers did you do that?

A I guess it would be a week, sir, within a week.

Q And what did you do with those signature cards after you got them from the Bell Savings and Loan?

A I signed them, Mr. Criden signed it, Mr. Johanson signed it and I took it back.

Q Now --

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q (Continuing) -- I show you a document which is contained in Government's Exhibit 11 for identification.

I ask you to look at it and tell us if it refreshes your recollection as to when you obtained the

signature cards from Bell Savings and Loan?

(Document handed to the witness.)

A It appears to be August 27, 1979, sir.

Q And is that the date, to the best of your recollection?

A That's the date on the cards, sir. I would presume it's correct.

Q And does your signature appear on that card?

A Yes, sir.

Q Does Mr. Criden's signature appear on that card?

A Yes, sir.

Q Does Mr. Johanson's signature appear on that card?

A Yes, sir.

Q That's the very card you obtained; is that right?

A I would presume so.

MR. BEN-VENISTE: Objection, your Honor. We have no objection to the offer into evidence of this card; but these questions are repetitive, your Honor.

THE COURT: Are you offerring it in evidence?

MR. PUCCIO: Yes, I am, sir.

THE COURT: There is no objection. Received in evidence.

THE COURT: May I approach the witness, sir?

THE COURT: Yes. You say this is part of Exhibit 11?

MR. PUCCIO: Yes, Judge. They were premarked.

Could we receive this, then, as Exhibit 11, if we -- to be consistent with the other one, or however you wish.

THE COURT: That's fine with me. Exhibit 11.

(So marked.)

MR. PUCCIO: May I have a moment, your Honor.

THE COURT: Yes.

(Pause.)

BY MR. PUCCIO:

Q Now, Mr. Cook, were you ever told anything by anyone about a script that Congressman Myers would have to read for the Sheik's representatives?

A No, sir.

Q Were you ever told by anyone that at the August 22nd meeting, Congressman Myers would put on an act for the Sheik's representatives?

A What I was told is, he had to meet with Mayor Errichetti beforehand, where they would prepare him

for what he would have to say; and then he would meet.

Q Were you ever told that he would put on an act and say things that he really didn't mean?

Were you ever told that?

A No, sir.

Q Mr. Cook, did you ever meet with Mayor Errichetti?

A Yes, sir.

Q When for the first time did you meet with Mr. Errichetti?

A Sometime in September, I think the middle of September.

Q And where did you meet with him?

A His office in Camden.

Q And prior to that time had you had any converstions with anyone about other Congressmen?

A Yes.

* * *

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GOVERNMENT'S EXHIBIT NO.	DESCRIPTION	FOR ID.	IN EVID.
18	Legislative manual		1093
13	Document		1157
11	Document		1162

DEFENDANT'S EXHIBIT NO:	DESCRIPTION	FOR ID.	IN EVID.
	NONE		

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 15, 1980
9:45 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
OFFICIAL COURT REPORTER

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* * *

* * *

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Cook, when for the first time did you meet Mayor Errichetti?

A I think it is in the middle of September, 1979.

Q And can you give us the date, please?

A No, I cannot, sir.

But I would say it is a few days before September 19th.

Q September 19th was the day in which you took a trip to Washington, D.C., is that right?

A Yes.

Q And about how many days befoe that trip to Washington, D.C. did you meet with Mr. Errichetti?

A Within a few. I don't recall exactly.

Q This was the very first time you met with him, is that right?

A Yes.

Q Where did the meeting take please, Mr. Cook?

A His office in Camden, New Jersey.

Q Would that be the mayor's office?

A Yes.

Q Do you know where in Camden that was located?

A I guess they call it City Hall.

Q And do you know what time of the day the meeting took place?

A I have no recollection, sir. It was during the day though.

Q Was anyone with you at the time you met with Mr. Errichetti?

A Mr. Criden.

Q Now, tell us as best you can recall, Mr. Cool, what was said by you, Mr. Criden and Mr. Errichetti at this meeting?

A Basically what was said was in order to invdst in the hotel casino, the sheik wanted to make sure that this investment wanted to help get him in the country, in other words, if he invested $100 million to build a hotel casino, he wanted to make sure he can come into the country and live here and bring his family.

Q Tell us, please, who said that.

A It would be either Mr. Criden or Mr. Errichetti.

Q Try if you can to identify, if you can, who said what as you recount this.

MR. BROWN: I object, your Honor, as leading. He said either one.

THE COURT: Overruled.

Q Go ahead.

A I said I can't remember which one it was, sir.

Q What else was said, if you recall by whom?

A I really -- other than certain quotes, sir, I probably only would be able to say almost everything was either Mr. Criden or Mr. Errichetti, I can't remember specifically who said what things at the meeting.

Q Go ahead.

A However, it was indicated that the sheik's relatives wanted to meet with a member of the immigration

department to meet with a member of the immigration department to satisfy the sheik that his investing in the casino would allow him to get into this country with his family.

And that Mr. Errichetti and Mr. Criden didn't know anybody, if you have anybody to meet with. And therefore I should go down as a member of the immigration department and satisfy the sheik that by investing in a casiono hotel would allow him a verhicle to come into this country with his family, if it would.

Q Was there any money mentioned?

A Yes.

Originally it was said the sheik through this representative would pay $25,000 to the representative of the immigration department.

Q That would be with you, is that right?

A At that time they were talking about a real member of the immigration department at that time.

It eventually became me. But I indicated I would not take any money because I was afraid to.

Q Why were you afraid to?

A I was concerned that if the sheik found out I was not a member of the immigration department I would be killed.

Q Did you tell that to Mr. Errichetti and Mr. Criden, Mr. Cook?

A As best I recall I think I told it to Mr. Criden who indicated he told it to Mr. Errichetti.

Q Did you agree to do this, Mr. Cook?

A I agreed to go to Washington, yes.

Q Who did you go to Washington with?

A Mr. Johanson.

MR. BEN-VENISTE: I wonder whether we have the whole conversation in Mr. Errichetti's office.

Mr. Puccio elicited I think only a portion of the conversation. I thought the original conversation before he cut off Mr. Cook was --

THE COURT: Mr.Ben-Veniste, that is what cross-examination is for, and it is not to argue the case now before the jury.

Please sit down.

MR. BEN-VENISTE: I'm sorry, your Honor.

THE WITNESS: I'm sorry, I forgot the question.

Q I'll ask you another question. You have talked to Mr. Ben-Veniste about this matter, isn't that correct?

A Talked to him one time, sir, for about

20 minutes.

Q Now, you went to Washington with whom, Mr. Cook?

A Mr. Johnanson and Mr. Criden.

Q And when you arrived in Washington you met with whom, Mr. Cook?

A Mayor Errichetti and his nephew.

Q His nephew Joe?

A His nephew.

Q His nephew Joey is his driver, is that right?

A I understand it was his driver, yes.

Q And there came a time when you went to a house in Washington, is that correct?

A Yes.

Q On W Street, is that correct?

A Yes.

Q And was this the 19th of September, 1979?

MR. BROWN: Judge, I do object to the leading. It's become profound. I know you ruled otherwise heretofore, but this is going into specifics, if you will, sir.

THE COURT: I think it would be appropriate, Mr. Puccio, if you would attempt ti elicit the information by usual direct examination techniques.

If there are difficulties I'll give you some latitude but let's first see if there will be difficulties.

Q What happened in Washington, Mr. Cook?

A I went with Mayor Errichetti to the house on Washington Street.

Q Do you mean on W Street?

A Excuse me, what did I say?

Q Washington Sreet.

A W Street, I'm sorry, sir.

Q All right.

A And Mayor Errichetti reminded me not to be nervous, that there was nothing to be nervous about because I knew I was not really the immigration person so why was I so nervous and uptight about it.

And I said I am afraid. And he said not to be afraid about it because they know you are not whom you are supposed to be. Just go in and assure tham that investing in the hotel casino would allow the sheik to come into this country.

At that time we drove to W Street, went into the meeting. We met for a few minutes. They said after I talked to them, you are now who you are supposed to be. And the meeting was very short because apparently

it appeared at the meeting that they didn't expect somebody who was not whom he was supposed to be.

MR. BEN-VENISTE: Objection, your Honor.

I would like just the conversation and not the witness' characterizations.

THE COURT: At this point, Mr. Cook, please tell us as best you can recall who said what, who did what.

A Sat down at the meeting, introduced myself as Mario Noto, who is the immigration official.

They asked me some questions about did I have a card, and I said, no, I didn't.

And thnis is Mr. Amoroso doing most of the talking, if not all of it at that point.

They said do I have any forms. I said no, because there are many different forms. And then the conversation got on into -- I talked about if he built a hotel casino, he can come into this country as a treaty merchant and under the immigration laws he is allowed to and there would be no problem at all about emigrating to this country and bringing his family as long as he had an investment and a business here.

At that point either Mr. Amoroso or Mr. Weinberg said to me, you are not as old as we expected,

or we sent somebody over to immigration and you are not Mr. Noto.

And then the meeting broke up and about five minutes later I left. I was told the meeting was adjourned and I left.

Q Would it be fair to say that you were thrown out,Mr. Cook?

MR. BROWN: Objection to that.

MR. DUFFY: Objection and move to strike and ask for a cautionary instruction, sir.

THE COURT: Overruled.

A I was not thrown out but I was asked to leave. They said the meeting was adjourned.

Q Who said that?

A Either Mr. Amoroso or Mr. Weinberg. I don't remember, sir.

Q How long did this whole thing take?

A My best recollection is less than ten minutes. I may be wrong.

Q Now, prior to your appearing here as a witness, Mr. Cook, you enter into an agreement with the United States Government, isn't that correct?

A Yes.

MR. BEN-VENISTE: Objection, your Honor.

* * *

(The following occurred in open Court.)

E L L I S C O O K, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

BY MR.PUCCIO:

THE COURT: All right, Mr. Puccio, you may proceed.

THE WITNESS: Sir, if I remember something different may I state it?

THE COURT: Mr.Cook has told me that he would like to correct an answer that he gave a moment ago?

What is it?

THE WITNESS: I met with Mr. Ben-Veniste twice. After that very evening I met with him in the park for about 20 minutes. And prior to that I had met him in my lawyer's office, I guess about a month ago, for about 45 minutes.

Q When did this meeting in the park take place?

A Wednesday afternoon, was it?

Q Was anyone else present?

A Yes, Mr. Fryman, my attorney. Mr. Duffy came out a little later. Then I think it is Mr. Cacheris

came out and then left.

Q And that was about 20 minutes?

A I would think maximum, yes sir.

MR. BEN-VENISTE: If this is in the nature of impeachment, your Honor, I object to it. If he is impeaching the witness with this supposedly.

THE COURT: Overruled.

Q Now, Mr. Cook, this agreement that you obtained with the Government provided that you would not be prosecuted, is that right?

A Not be indicted or prosecuted, yes sir.

Q And that was in exchange for your providing testimony, is that right?

A Yes, sir.

Q And, Mr. Cook, was it also part of this agreement that you would return the money that you received in connection with this matter?

A Yes, sir.

Q Did you in fact do that?

A Yes, sir.

MR. PUCCIO: No further questions at this time.

THE COURT: All right.

Cross examination, Mr. Duffy.

MR. DUFFY: Yes, your Honor, but I think -- may we go out of turn this one time, sir?

THE COURT: Any time. As long as counsel can agree to it. Who wants to go first?

MR. DUFFY: I don't know if he is prepared to do it, but Mr. Ben-Veniste has been mentioned as having met with this witness. I think he ought to go first.

THE COURT: If that is agreeable with counsel it is all right with me.

MR. BEN-VENISTE: Yes, it is.

THE COURT: If you don't agree then you have to go in order.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Well, let's start with that, Mr. Cook.

I made the request to interview you sometime ago of your attorney, did I not?

A Yes, sir.

Q And your attorney was present when I interviewed you in Philadelphia?

A Yes, sir.

Q And that interview took place in your attorney's office?

A Yes, sir.

Q And that lasted about 45 minutes?

A That is my recollection, yes.

Q If there is any suggestion by reason of Mr. Puccio's questions that I encouraged you to say anything different from the exact truth in this case, you tell that jury?

A No. You asked me what happened; what I would testify.

Q And prior to that time that I interviewed you, had you already testified before a Federal Grand Jury?

A I think three times, sir.

Q You had met with Mr. Puccio how many hours? Can you estimate it?

A Twenty-four, thirty hours. I am not sure, sir.

Q Thirty actual hours of talking to Mr. Puccio, and I talked to you for forty-five minutes?

A No, I wouldn't say thirty hours of talking, but thirty hours in his office.

Q Since the time I talked to you in Philadelphia, you have spent some more time with Mr.Puccio?

A Last week, sir, yes.

Q And how many hours were you here in Brooklyn

last week?

A I was here from I think it was either 8:30 or 9:00 o'clock until about seven in the evening.

Most of that time wasn't spent, although, with Mr. Puccio.

Q Whenever Mr. Puccio has asked you to come in to talk to him about this case you have?

A Yes. I cooperate with him.

MR. BEN-VENISTE: I would ask the Court to instruct the jury that that was perfectly okay, and it was okay for me to talk to the witness, your Honor.

THE COURT: I think that is fair advice to be given to the jury. Nobody "owns" a witness. Any attorney is permitted to interview any person that they think is in some way related to a matter that is in litigation whether or not he expects him to be a witness. It is up to a witness as to whether or not he wishes to talk to an attorney. And it is only under certain supervised circumstances that witnesses are compelled to talk to attorneys. There is no inpropriety on either side, either on the Government's or defense counsel side, in their talking to witnesses and trying to find out what the

particular witness' recollection is concerning the events that are in question. All cases get prepared for trial. There is nothing unusual about it on either side.

MR. BEN-VENISTE: Thank you very much, your Honor.

BY MR. BEN-VENISTE:

Q Now, Mr. Cook, you mentioned that Mr. Criden -- you love Mr. Criden; he was like a father to you; he took you into his law firm and he trained you to be a lawyer?

A Yes, sir.

Q And obviously when all of the publicity about this case came out it was apparent that you had evidence relating to these transactions?

Correct, sir?

A Obvious to who?

Q Obvious to you?

A Yes, sir. Yes, sir.

Q And Mr. Criden told you, did he not, "Ellis, you go in there and you tell the truth," did he not?

A Of course. Yes, he has.

Q And he never told you anything different?

A No. He said, "I understand your position. Tell them what you have to tell them."

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Q And you have attempted here in this Courtroom yesterday and today to tell the truth as you know it?

A I think I did more than attempt. I think I did, sir.

Q Now, let's talk about the law firm, the law firm of which Mr. Criden and Mr. Johanson were partners, and you became a partner, is a small law firm in Philadelphia?

A Yes, sir.

Q And, however, you are aware, are you not, that the law firm has the highest rating, the AB rating, that a law firm is granted under the Martindale Hubbel --

MR. PUCCIO: I object to this.

THE COURT: Sustained.

Q With respect to the hotel casino deal, had the firm ever been able to make an anticipated profit like the one which was discussed in connection with the New Jersey hotel deal? I mean before that?

A Do you mean the magnitude of this?

Q Yes.

A No, sir.

Q This was an extremely exciting opportunity, was it not?

A It was, well, what I guess a lawyer calls a once in a life time case.

Q It was a dream come true?

A Yes. It was all our retirement fund, yes sir.

Q And if this was a real deal, if this Sheik was real, and you had some question at the beginning, I think you testified in believing that it was real, you stood on th basis of this legitimate hotel casino construction to make a great deal of money, a once in a life time opportunity?

A Yes, sir.

Q Let me show you defense exhibit, I think, B.

Have you ever seen that (indicating)?

A Yes, sir.

Q Do you recognize it as the architectural drawings for the proposed hotel casino?

A Yes, sir.

Q And were there other documents that Mr. Criden took down to Fort Lauderdale when he was meeting the Sheik?

A I think there was two other documents. I think they were in like blue backers. One was a cost projection done by, I think, a New York construction company as to what it would cost to make various parts of

the casino as a cost prospectus.

There was another document, I think, smaller. I don't know what it was. But it may have been of anticipated revenues of the casino, how it would make a profit, and cash flow projections.

Q So there were more documents than just these extensive drawings?

Is that correct?

A I think it was three sets of documents, yes sir.

Q And all the parties concerned were very serious about being able to build a hotel on the boardwalk in Atlantic City?

This was an appropriate location, was it not?

A Yes. It is vacant ground on the boardwalk, sir.

Q And feasible in respect of this booming new industry in New Jersey?

A The financial projection showed that it was.

Q Now, Mr. Criden -- I think I misspoke myself when I said that Mr. Criden and Mr. Johanson were to meet with this supposed Sheik -- they were supposed to meet with his representatives according to what you were told?

A Yes, the Sheik's representatives, yes sir.

Q As a matter of fact, there was no suggestion, was there, that there was anything whatsoever improper about the reason that they were going down to Florida to make this presentation?

A No. We, after a lot of searching and going to a lot of financial sources that turned up empty thought that there really was a real thing this time.

Q Now, as a matter of fact, when they came back, Mr. Johanson and Mr. Criden, they were pretty excited, weren't they?

A Yes, sir.

Q They told you, did they not, that the Sheik's representatives were very positive about the presentation that had been made to them?

A Yes, sir.

Q Their reaction was positive?

A Like I testified yesterday, they indicated that Tony was going to take the documents over to the Sheik in London so he could review them personally.

But it had their primary approval.

Q So that the representatives had approved of it, Tony and Mel, Tony was going to make a recommendation to the Sheik in London?

A Yes.

Q A favorable recommendation?

A Yes. That is what I was told, yes sir. They said it was the type of thing that looks good, the type of thing that the Sheik would be interested in.

Q Now initially I think you said that while Mr. Criden and Mayor Errichetti were discussing matters on the airplane back, according to what Mr. Criden told you, Mayor Errichetti said that the Sheik wanted to meet political figures in the United States?

A Yes, sir.

Q And that there was some concern that this Sheik who apparently was in some sort of country -- incidentally did they describe what country it was?

A Howard had mentioned to me -- Mr. Criden, United Arab Emirates was the country he always indicated to me.

Q And did you ever get that from anyone other than Mr. Criden?

A No, sir.

Q That there was going to be a revolution in that country?

A He was concerned that there may be.

Q And possibly the Sheik would then have to seek

asylum?

A Well, he was concerned, he said to me, he was a member of the ruling class and if the peasants were to revolt he probably would be executed or made prisoner or something.

Q Did he indicate this was a Government that at this time was very friendly to the United States?

That is was a non-communist country?

A Well, what it was said was, that in talking, that they didn't think there would be any problem with the Sheik coming into this country if he was going to invest money. I think it was a conversation talking about as long as he wasn't a murder or a communist.

Q He wasn't a communist, he wasn't a terrorist?

A Yes, sir.

Q He was just a fat rich Sheik?

A Yes.

As a matter of fact it was stated to me he owned ground that oil went over, and he received royalties for the oil going over his land.

MR. BEN-VENISTE: Okay.

I think we can save time, Mr. Cook, if you respond to my question with a yes or no if you can.

THE WITNESS: Yes, sir.

MR. BEN-VENISTE: And then we will be able to proceed.

THE WITNESS: Yes, sir.

BY MR. BEN-VENISTE:

Q Now, at that time I think you testified nobody knew any Congressmen who would be appropriate to meet the Sheik?

A No one was discussed at that time.

Q And then at a later time Lou Johanson said, "Well, gee, I know Ozzie Myers. He is a Congressman in my district. I think Ozzie Myers could meet with the Sheik"?

A I don't know if it happened that way or he came in one day and said that Congressman Myers would meet with the Sheik. I don't know.

Q Now, is it not a fact, Mr. Cook, and I want you to be very careful about your answer, is it not a fact you were told that there would never be any quid pro quo for the Congressman receiving money from the representatives of the Arab?

A Mr. Criden always used the term no quid pro quo in describing the meeting with the Sheik's representatives.

Q And quid pro quo means that the Congressman

would never have to do anything?

Is that correct?

MR. PUCCIO: I object to that as irrelevant.

Q Do you know what quid pro quo means?

A Something in return for doing something. I do this; you do that.

Q Okay.

Are you absolutely clear that that was the case, Mr. Cook?

A Mr. Criden has always said --

Q Yes or no?

(Continued on next page.)

A I would say that would be it, yes sir.

Q Now, let me move on to something that was brought at the end of Mr. Puccio's questioning, and that is your first meeting with Mayor Errichetti.

At that meeting I think Mr. Puccio elicited a part of the conversation and I would like you to tell the jury the whole conversation, Mr. Cook.

MR. PUCCIO: I object to the statement, your Honor.

THE COURT: Sustained as counsel's comment.

You are supposed to ask question, Mr. Ben-Veniste.

Q I would like you to tell the jury, Mr. Cook, whether Mayor Errichetti didn't say at that meeting that when you were being asked to impersonate this Immigration official that Mel Weinberg was going to know that you wouldn't really be what you said you would?

A That is correct.

It was said to me they know you aren't who you are supposed to be.

And I thought I testified to that. If I did not, I am sorry.

MR. BEN-VENISTE: Well, it is not for you to be sorry, sir. I think you testified about it

in terms of a later conversation with Mr. Errichetti, Mr. Cook.

You are here to answer the questions.

MR. PUCCIO: I object to these statements, Judge.

THE COURT: Sustained.

I do not want to warn you again, Mr. Ben-Veniste.

MR. BEN-VENISTE: Very well.

THE WITNESS: The conversation was, sir --

THE COURT: There is no question.

THE WITNESS: Very well, sir.

Q Mayor Errichetti and Mr. Criden told you, did they not, that Mel Weinberg would know when you came in there that you were not who you were going to say you were; that you were going to put on an act?

A Yes, sir.

Q And that act was going to be for the benefit of Mr. DeVito?

Correct?

A No, sir.

Q That that act was to convince Mr. DeVito who was the hard guy, and Mr. Mel Weinberg was the easy guy?

Isn't that a fact?

A That is party true, sir.

Q You were surprised when Mr. DeVito walked out of the room, were you not?

A Yes,sir.

Q Because you thought this was going to be easy?

A Yes, sir.

Q Now, the name Mario Noto was supplied to you by whom, sir?

A Mayor Errichetti, sir.

Q And do you know now at the time there was no such person as Mario Noto at the Immigration Service, that is, in September of 1979 when you went to the Williams Street House in Washington; that Mario Noto didn't even work for the Government any more?

A I was told that now; I didn't at that time.

MR. BEN-VENISTE: Now, your Honor, at this time I would like the jury to see a video tape recording. And it has been marked as Exhibit 3500-143, I believe. I would like to have that Exhibit, please, and mark it as Defense Exhibit.

MR. PUCCIO: We have no objection to having it played your Honor.

THE COURT: Very well. That is 3500-143 which is received in evidence.

MR. BEN-VENISTE: Well, I would like to mark it as a defense exhibit.

THE COURT: It doesn't matter how it is marked in evidence. The record shows you are offerring it.

MR. BEN-VENISTE: Thank you, your Honor.

MR. PUCCIO: Your Honor --

MR. BEN-VENISTE: May I ask whether there are any transcripts prepared by the Government relating to that?

We haven't received any if there are.

MR. PUCCIO: Your Honor, we have a copy here. We don't have the original in Court.

THE COURT: You have a copy of it?

MR. PUCCIO: Yes. If there is a problem we can get the original.

THE COURT: Well, do you want a copy or the original?

MR. BEN-VENISTE: Well, I don't know.

I think probably the original has probably the best fidelity. I would like to get that played to the jury if there is not any delay. I don't want

to delay the proceedings. I thought that the originals were here in Court.

THE COURT: Well, you do what it is you have to do.

We will take a ten minute recess while they put things together, ladies and gentlemen.

(The jury thereupon retired from the Courtroom at 11:35 o'clock P.M.)

(Continued on next page.)

* * *

* * *

(whereupon, the video tape recording referred to is played.)

THE COURT: All right, Mr. Ben-Veniste, you may proceed.

MR. BEN-VENISTE: Would it be more convenient if we removed those?

THE COURT: No. We don't have that much to go before lunch.

MR. BEN-VENISTE: Very well, your Honor.

CROSS EXAMINATION BY

MR. BEN-VENISTE: (Continuing)

Q Mr. Cook, the person that said, I am the one who is very friendly with the Mayor, got very friendly with the Mayor, that was Mr. Weinberg; is that right?

A Yes, sir.

Q And he was the one who stayed behind?

A He was to the right of the camera.

Q He stayed behind after Tony left after a short period and then Mr. Weinberg followed?

A Yes, sir.

Q Okay.

Cook-Cross-Ben-Veniste

Now, is it not a fact, sir, that you were told before that meeting that Tony is the straight one, he is the one who has to go back and report to the Sheik?

A Yes, sir.

Q And who told you that?

A Mr. Criden, sir.

Q Did Mr. Errichetti tell you that, too?

A I don't recollect. I know Mr. Criden did, sir.

MR. BEN-VENISTE: I have nothing further, your Honor.

THE COURT: Who is next?

MR. DUFFY: I am, your Honor.

THE COURT: All right, Mr. Duffy.

CROSS EXAMINATION BY

MR. DUFFY:

Q To take it up from there, Mr. Cook, didn't the Mayor tell you and Howard Criden that not only did Mel know that you weren't going to be the person that you represented to be, but that he was in on it and he could handle Tony? Didn't he use those words?

A He said he could take care of Tony.

Q Take care of Tony, all right.

Let's let the jury know about this fellow

supposedly from immigration.

I noted on the tape that in the early portion Mr. Amoroso said there was going to be a fellow arriving whose name, as he put it, was Mario Thomas Moto. I heard it as M-o-t-o, Moto. And then I heard you in your masquerade characterize yourself as Nopo, N-o-p-o, and you spelled it.

Am I correct up to there?

A Yes, sir.

MR. PUCCIO: I object to the form of that question.

THE COURT: It's a compound question. I don't know that the witness' observations as to what was on the tape are any better than the rest of us as to what occurred when he was not in the room.

As to what the witness said, that's something else.

MR. DUFFY: Maybe I can break it down, sir.

THE COURT: Break it down and we can address it separately.

Q Did you conceive what was on the tape as I did that the agent spelled the expected visitor -- not spelled, pronounced the expected visitor's name as Moto?

A Yes, sir.

Cook-cross-Duffy

MR. PUCCIO: I object to that.

THE COURT: It can only be replayed.

Overruled.

Q And then when you came in in your masquerade and then I think it was Weinberg who asked you your name, didn't you think the name you were supposed to give was Nopo and then you spelled it N-o-p-o?

A Yes, sir.

Q And haven't you found out since that the fellow that you were supposed to be impersonating was Mario Noto, N-o-t-o?

A That's what I have been told, yes, sir.

Q So they even gave you the wrong name; isn't that right?

A Yes, sir.

(Continued on next page.)

BY MR. DUFFY: (Continuing)

Q Now, before you went down to conduct this impersonation did you do a little research on immigration law?

A Yes.

Q Before then did you know anything at all about immigration law?

A No, sir.

Q Did you know anything about, for example, what it would take to sponsor a private immigration bill?

A No, sir.

Q Have you ever heard that even discussed in connection with any of these proceedings?

A No, sir.

Q Up until then?

A No, sir.

Q So you came on with this, if he invests here he can be a treaty merchant?

A Yes, sir.

Q Did you know what a treaty merchant was?

A Yes.

It was explained to me if you make an investment in this country under certain treaties we have with foreign countries, such as the United Arab emeritus,

a person can come in with a visa by making certain investments in this country.

Q The question is: Did you know what a treaty merchant was?

A Yes, sir.

Q Then you mentioned something about navigation in commerce.

Did you know really what you were talking about?

A A small amount, sir.

Q I had you clocked on the tape, and we can disagree or not, as having been virtually frozen for three minutes and 26 seconds by the clock on the tape.

How did you feel during that time? Is that when you were frightened?

A I was frightened the entire time, but I was more frightened then.

Q Because you thought somebody would do away with you, behead you, perhaps?

A I think the word I used before was petrified, and that probably describes it.

Q If they ever found out that this was going on, this masquerade --

A If the Sheik found out, yes, sir.

Q By the way, this came up about two weeks earlier in the very beginning of September, did it not?

A I know it came up prior to this --

Q Would you answer my question yes or no.

A Sir, I know it came up before that. I don't know if I can answer it yes or no. I know it was somewhat prior, within a week or two.

MR. DUFFY: I will accept that, your Honor.

THE COURT: All right.

Q What I want you to tell this jury is this: Isn't it so that Howard Criden came to see you and said, Mayor Errichetti has got a deal going with these Arabs, they got all this money, all we got to do is bring down a body to impersonate an immigration man? Am I right up to there?

A Yes.

Q And he said, you can impersonate a guy from immigration and we can get 25 grand to split up? Weren't those his words?

A Yes, sir.

Q And then did you talk about that to Louis Johanson?

A Yes, sir.

Q And didn't he veto it?

A Yes, sir.

Q Didn't he say that's crazy, that's going too far?

A I don't know if those were his exact words, but he vetoed it, sir.

Q All right.

Then you had another conversation with Criden who assured you that the Mayor had set it up with Weinberg and all they wanted to do was that they would file a report with the Sheik and for that you can get $25,000?

A Yes, sir.

Q And Weinberg was in on the scam; is that right?

A I wasn't whom I was supposed to be, yes, sir.

Q Didn't he tell you that money was going to be cut up with Weinberg?

A No, sir.

Q He didn't tell you Weinberg was going to get part of the $25,000?

A No, sir.

MR. DUFFY: I don't have any more questions.

THE COURT: All right.

Mr. Cacheris.

MR. CACHERIS: Yes, your Honor.

CROSS EXAMINATION BY

MR. CACHERIS:

Q Mr. Cook, you were asked about a term, quid pro quo.

A Yes, sir.

Q You are an attorney, aren't you, sir?

A Yes, sir.

Q And you explained that to mean what, sir?

A Get something for giving something.

Q Now, in this case you know nothing could be given didn't you?

A Assurances of a friendly face I think was a term used to me, sir.

Q You were told earlier in the game that the meeting that was set up for Ozzie Myers was for the purposes of blowing smoke?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q For doing nothing?

A No, sir.

That's not what I think I said.

Q You said blowing smoke?

A We said we didn't know, didn't think there

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would be a meeting.

Q You were also told if there was to be one it was talk and blowing smoke?

A No, sir.

Q You never said that?

A No, sir.

MR. CACHERIS: May I have the transcript, if your Honor would forgive me?

(Pause.)

MR. CACHERIS: Page 1144.

Q Yesterday on your direct examination, and I am reading from page 1144, you were asked these questions:

"Question: And did Mr. Criden ever say to you about the meeting with a Sheik's representative not being real?

"Answer: Yes. It had been cancelled a few times and we just thougnt it was a story, a meeting would be set up, cancelled, set up, cancelled. We felt somebody was, would be talking, blowing smoke."

A If that's my testimony, yes, sir.

Q Now, when you went down to Washington and became an imposter, you, too, were blowing smoke, weren't you?

A Yes, sir.

MR. CACHERIS: Thank you.

THE COURT: Mr. Brown, any questions?

MR. BROWN: Very few, your Honor.

CROSS EXAMINATION BY

MR. BROWN:

Q Did you know Mayor Errichetti prior to the events you described?

A No, sir.

Q Did you meet him other than on the occasion that you described where you talked to him in his office about Mario Noto?

A Just the next day after that or a few days thereafter in Washington.

Q And then you went down to the episode described on the screen?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q Did you know from the very beginning that this was a total charade?

A No, sir.

Q Did you think it was serious, that you were going to carry it out as being the real Mario Noto?

A No, sir. I thought you meant the entire transaction. I misunderstood your question.

Q Let's talk about what happened on the TV screen.

A I'm sorry, I misunderstood your question.

Q You knew from the beginning it was a total charade?

A Yes, sir.

Q And it was your understanding that Mr. Weinberg was aware of the fact that you were not indeed Mario Noto?

A Yes, sir.

Q And when he sat and talked to you did he give you any indication that he was aware of the fact that you weren't Mario Noto except for your age?

A No, sir.

Q And he was the one who remained with you?

A Yes, sir.

Q That person we were referring to was off screen?

A Yes, sir.

Q You watched the play here on the screen?

A Yes, sir.

Q He was off screen, wasn't he?

A Yes, sir.

Q Now, what was he doing?

Can you tell us physically, was he standing, sitting, was he giving you any signals or anything?

A He was sitting in a chair talking to me.

Q Just talking to you straight?

A Yes, sir.

Q And did he tell you that there would be any consequences of your not being the Mario Noto in question, the difference in age?

A No, sir.

Q Did he say anything to you about the fact that your purpose was to come there to put on this act?

A I never talked to him other than on the tapes.

Q That's all?

A Yes, sir.

Q And we saw Amoroso on there and you know he is the other agent?

A Yes, sir.

Q The man with the cigar?

A Yes, sir.

Q Did he say anything to you off screen?

A Afterwards I remember talking with Mr. Weinberg outside, but I don't remember Mr. Amoroso, whether he came

out or not.

Q What did Mr. Weinberg say -- that's off screen, outside; is that right?

A Yes, sir.

Q Can you tell us what Mr. Weinberg said to you?

A He said he is sure we can work this out, get it all straightened out, that Tony is just afraid that you are not whom you said you are?

Q He never said, look, you are not Noto, you have tried to pull a game on us, he never said that to you, did he?

A No, sir.

Q In fact he had said it's going to be okay, we will work it out; is that right?

A Yes, sir.

Q Was that in keeping with the concept given you that he knew all about it and was going along with it?

A Yes, sir.

Q Did Mr. Weinberg ever at any time do anything that was out of character as one of those hoping to set this thing up?

A No, sir. He said he was trying to work it out.

Q Which was in character with him being in league with everybody; is that right?

A Yes, sir.

Q Now, when you went to Mayor Errichetti's office you went as a result, I suppose, of conversations with someone?

A Yes, sir.

Q Was it Errichetti, Criden or somebody else?

A Mr. Criden, sir.

Q Now, as far as the comment that you had made on the stand about some money and a Senator, did you have any direct knowledge as to whether or not that information was correct or not?

A No, sir.

Q As a matter of fact, did you ever hear from anybody that Mayor Errichetti was supposed to get any of the money that was mentioned in connection with the Senator?

A No, sir.

Q Do you have any knowledge or proof that Mayor Errichetti received any money with respect to the information you gave as a result of Mr. Puccio's direct examination of you?

A No, sir.

Q Is it not true that you said in fact that as

far as you know the Senator received it, as to whether he received it you don't know what Mr. Errichetti's part was in it?

A Yes, sir.

Q Is that not true?

A Yes, sir.

Q And I call to your attention something you discovered -- withdrawn.

You have had an opportunity to read your Grand Jury minutes?

A Yes, sir.

Q Did you discover in there something which apparently is a typographical error as to the amount involved in the senatorial transaction?

A No, sir.

Q I don't want to press the issue, and I want to make sure --

MR. BROWN: May I approach the witness, if your Honor please?

THE COURT: Yes.

MR. BROWN: 3500-263 happens to be at page 22.

Q I am sure you will recognize this document as 3500-263 at the top?

A Yes.

Q And it purports to be your Grand Jury testimony?

A Yes, sir.

Q And I ask you to examine page 22 and if that's indeed a typographical error I will not even mention it in front of the jury.

A It's not a figure I ever said, sir.

Q It's wrong?

A It's wrong.

MR. BROWN: I have no further questions and thank you, your Honor.

THE COURT: Is there any redirect?

MR. PUCCIO: Yes, your Honor.

(Continued on next page.)

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q By the way, that figure Mr. Brown showed you correctly appears later on down the page; is that right?

A Yes, sir.

Q Now, Mr. Cook, with respect to the meeting on the boat in July, I think you testified that you understood that money was going to be split as a result of this casino matter; is that right?

A Yes, sir.

MR. BEN-VENISTE: Objection, your Honor. Improper redirect.

THE COURT: I don't recall any cross on this subject.

MR. PUCCIO: May I pursue it, your Honor.

MR. BROWN: We object.

MR. PUCCIO: I will ask another question, Judge.

THE COURT: All right.

Q You testified, did you not,Mr. Cook, that there was nothing improper about the casino transaction to your knowledge?

A The hotel casino, that's correct.

Q And you also testified that it was your understanding that Tony and Mel, the representatives and the employees of the Sheik were themselves to receive some money in the casino matter; is that right?

A They indicated they wanted a part of it, yes, sir.

Q It was your understanding, was it not, that the Sheik was going to supply the money for the casino venture?

A Yes.

Q And the money transaction was to be negotiated for the Sheik by Tony and Mel; is that right?

A Yes.

Q Now, wouldn't it be in your view improper for Tony and Mel to receive some money as a result of this transaction?

MR. BROWN: I object, if your Honor please. Improper redirect and an improper conclusion drawn by the question.

MR. BEN-VENISTE: I must differ with Mr. Brown on this one. I don't mind that the witness answers this.

THE COURT: We have a split in the defense.

MR. BEN-VENISTE: Slight.

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MR. DUFFY: I may never live it down, but I am with Mr. Ben-Veniste, sir.

MR. CACHERIS: May I join with Mr. Brown, sir?

THE COURT: Well,the votes are even and I guess the Chairman has the deciding vote.

MR. BEN-VENISTE: Always.

THE COURT: I will overrule the objection.

THE WITNESS: May the question be repeated, sir?

THE COURT: Read it.

(The pending question is read by the Court Reporter.)

THE WITNESS: Improper for them, yes.

Q You know that as a lawyer; is that correct?

A Yes.

Q Now would it be against the law for them to do that?

MR. DUFFY: Objection.

MR. BEN-VENISTE: Objection.

MR. DUFFY: That calls for a conclusion, sir.

THE COURT: Overruled.

A I don't think so under certain circumstances,

sir.

Q Well, under what circumstances would it be proper under the law, Mr. Cook?

MR. DUFFY: Objection, again, sir.

THE COURT: Overruled.

A I think the price was the same no matter whether they received a portion or not. So number one, it did not change what the Sheik was paying. Number two, if they would have left his employ before it happened, I think it still would have been improper. They still were employees at the time or if the price changed because of their position, yes, I think it would have been then wrong, sir.

Q Well, wouldn't it have been fair to say that the Sheik would have gotten a better price if his own employees weren't getting part of --

MR. BEN-VENISTE: Excuse me, your Honor.

I object to leading questions on redirect into areas that were not gone into on cross.

MR. BROWN: And I object to the assumption of fact.

THE COURT: I will sustain the objection on th ground that it's argumentative.

Q Mr. Cook, have you ever been involved in a

transaction on behalf of a client where you have gotten a kickback?

A No, sir.

Q Or any other fee not known to the clients?

MR. BROWN: Objection.

THE COURT: Sustained.

MR. BROWN: I ask the answer be stricken, your Honor, and ask for a mistrial as a result of the improper question and the imprudent answer.

THE COURT: The motion is denied.

Ladies and gentlemen, disregard the question.

Q In any event, Mr. Cook, when you were informed by Mr. Criden and Mr. Johanson that the Sheik's representatives would be receiving part of the money you weren't troubled by that; is that correct?

A No, sir. It was coming from us, from our share and not the Sheik's, sir. It was reducing our fee.

Q Now, you testified on cross examination that you had a conversation about a quid pro quo; is that right?

A Yes, sir.

Q And who did you have this conversation with?

A Mr. Criden and Mr. Johanson.

Q In your office?

A Yes. Mr. Criden's office, yes.

Q What did you say, what did Mr. Criden say, what did Mr. Johanson say about quid pro quo?

A When all this was happening, sir, and we talked about introducing Congressmen to the Sheik's representatives, we had a discussion, the three of us, whether there was anything wrong with it or whether they thought it was improper. We talked about the deal. At that time Howard said his understanding, there was no quid pro quo, they wanted to meet the different Congressmen, have friendly faces in the event he wanted to come to this country. And we discussed what may have been improper if we had to register as a foreign agent and if we had to report income. That's the only things we thought was improper.

Q In this conversation you decided -- withdrawn.

What you are saying is --

MR. BEN-VENISTE: I object to the form of the question now, your Honor.

THE COURT: Sustained as to form.

Q Well, Mr. Cook, was there any mention of the word illegal during this conversation?

A I don't think the word illegal was used, no, sir.

Q It was never discussed that this might be

illegal; is that right?

A We discussed whether we thought it was improper under the circumstances. And that's when it came about that we thought the only things we thought might be wrong is not reporting the income for the non-registration as a foreign agent.

Q And you did not intend to report any of the money you received on your income tax; is that correct?

MR. FRYMAN: Objection.

MR. BEN-VENISTE: Objection.

MR. DUFFY: Objection.

THE COURT: Sustained.

MR. BEN-VENISTE: I ask that the jury be instructed that this is not an issue in the case.

THE COURT: This is not a tax case, ladies and gentlemen. I try lots of those, but this is not one of them. Tax issues so far have no bearing on the case. Disregard it.

Q Now, was it your understanding that the Congressman, let us say Congressman Myers, was not to say that he would do anything for the Sheik at the proposed meeting? Is that your understanding?

A It was not disclosed to me. We didn't know at the meeting what was going to happen.

Q Now, you testified on redirect examination, on cross examination that Mr. Weinberg, you were told, was aware that you were an imposter at this meeting in Washington; is that correct?

A Yes, sir.

Q Now, were you told about Mr. Amoroso's knowledge of your identity?

A I didn't think anybody cared who I was,sir.

Q What were you told about Mr. Amoroso's knowledge?

A The only way I can answer that, and I am sorry it's not yes or no, I was just told that they knew I wasn't whom I was supposed to be. It was just me. It was never really defined in particular as to who it was.

Q Well, who would they refer to?

A The only people I knew was the two people I met, sir, Mr. Weinberg and Mr. DeVito.

Q So you believed that both of them knew that you were an imposter; is that right?

A What was explained to me, sir, is that as far as Mel Weinberg was concerned, there didn't have to be a meeting and Mr. Amoroso was straighter and he felt that somebody would have to come to a meeting before he could send a report. He couldn't send a report without somebody

being present. That's what was explained to me.

Q So you were told that both Mr. Amoroso and Mr.Weinberg knew that you were an imposter; is that right?

MR. BROWN: Objection.

MR. BEN-VENISTE: I object to form and to repetitiousness.

THE COURT: Overruled.

A That was my understanding, sir.

Q Well, Mr. Weinberg knew you were an imposter?

A Yes,sir.

Q Mr.Amoroso knew you were an imposter?

A Yes, sir.

Q And obviously Mr. Errichetti knew you were an imposter, is that right?

A Yes, sir.

Q So everyone at the meeting knew you were an imposter?

A Yes, sir.

Q Why did you go to the meeting,Mr. Cook?

A Because it was explained to me that they needed a report sent to the Sheik of why he should invest or what would be the benefits of him investing in the hotel casino. We wanted the hotel casino built because we have a five million dollar fee riding on it. They said if you show him

he being Mr. Criden, meaning Mr. Weinberg, showing Weinberg, if you could show him why it would be a benefit to him to build the hotel casino, then he would be more interested in doing it. And that's how the Immigration thing came about, so the casino could be built and we would make a fee, sir.

Q What was your understanding of you walking into a room and presenting to three people who knew who you were that you were somebody else, Mr. Cook?

A Mr. Criden told me that Mr. Weinberg told him he didn't care if there was no meeting or not. He would send a report and Mr. DeVito was straighter and he had to actually meet with somebody to send a report in. That's what was told me.

Q He technically wouldn't be lying to the Sheik if he met somebody who said he was Mr. Moto?

MR. BROWN: Objection. This is not redirect. It's repetitive and argumentative and not redirect.

THE COURT: Overruled.

A That's what was told to me, sir. You are asking me and I am telling you.

(Continued on next page.)

Cook-redirect

Q So it was told to you that Mr. Amoroso --

MR. BROWN: Objection. Here we go again.

THE COURT: Who made that comment?

MR. BROWN: I did.

THE COURT: You should apologize, Mr. Brown.

MR. BROWN: I do.

THE COURT: Don't let it happen again.

MR. BROWN: I apologize, but --

THE COURT: I said I don't want it to happen again.

MR. BROWN: But, your Honor.--

THE COURT: I don't want it to happen again.

MR. BROWN: I understand, sir, and I apologize.

THE COURT: Proceed, Mr. Puccio.

Q So it was told to you, Mr. Cook, by Mr. Criden, that Mr. Amoroso didn't want to lie to the Sheik and you had to go to that meeting; is that right?

A Yes.

Q Were you informed, Mr. Cook, of any efforts made by Mayor Errichetti or anybody else to get the real Mario Noto to go to that meeting?

A I understood they tried to get somebody from immigration to go, but they didn't know anything about

it.

Q Were you told that they attempted to get Mr. Mario Noto to go to that meeting?

A No, sir. I don't have any such recollection.

Q Who is Mr. Tetrazzini that you mentioned, the so-called Mayor's man?

A I think it's somebody the Mayor knows in the Immigration Department.

Q And who told you to use that name?

A Either Mr. Criden or Mr. Errichetti.

THE COURT: Do you have much more, Mr. Puccio?

MR. PUCCIO: I am just about finished.

(Pause.)

MR. PUCCIO: I have no further questions.

THE COURT: Is recross desired by anybody?

MR. BEN-VENISTE: Very short, your Honor.

MR. DUFFY: I have one or two, your Honor, but he may touch upon them, sir.

THE COURT: Well, we will hope that he does.

RECROSS EXAMINATION

BY MR. BEN-VENISTE:

Q It was absolutely clear to you and it was explained to you that Tony was the straight one, that's the language that was used?

A Yes, sir.

Q And after the meeting when Mel came outside Mel said we will try to square it with Tony?

A Yes, sir.

Q Now, about this Mr. Tetrazzini, aside from there being a dish called Chicken Tetrazzini, do you have any idea whether there is any such real person in Immigration or anywhere else?

A No,sir.

MR.BEN-VENISTE: That's all.

MR. DUFFY: I have a couple, sir.

THE COURT: Yes.

RECROSS EXAMINATION

BY MR. DUFFY:

Q You got scared, as you put it, Mr. Cook, you said non-registration as a foreign agent. By that do you mean that you thought you might have to register as a representative of a foreign government?

A Yes, sir.

Q You went and looked up the law on that, didn't you?

A Yes, sir.

Q And you found out that if you represented Abdul Enterprises and that was a corporation, there would

be no requirement to register because you wouldn't be representing a foreign government or the head of a foreign government; isn't that right?

A Yes, sir.

Q You looked up the law?

A Yes, sir.

Q But you didn't know it before you looked it up?

A No, sir.

Q Now, to go back to Howard Criden, you are not pretending to say or you are not saying to this jury that Howard Criden told you everything that was going on between him and Mayor Errichetti, are you?

A No, sir.

Q So you only knew what he chose to tell you; isn't that right?

A Yes, sir.

Q And he was a father figure to you; isn't that right?

A Still is, sir.

Q He took care of you, didn't he?

A Yes, sir.

MR. DUFFY: That's all, sir.

MR. BROWN: I have one or two, Judge.

THE COURT: All right, Mr. Brown.

RECROSS EXAMINATION

BY MR. BROWN:

Q You recall the television photo that you just watched?

A Yes, sir.

Q Now you had originally talked about $25,000; is that right?

A Yes, sir.

Q And I believe in examination Mr. Puccio mentioned the fact that there would be $25,000, or whatever addition or division, whatever it was, it involved $25,000.

Do you recall on that box that he said he was putting $50,000 in there?

A Yes, sir.

Q Now, if $50,000 was going into the case, was it ever ex plained to you whether or not Weinberg and/or Amoroso were to get the extra $25,000?

A No, sir.

Q Did you ever have any knowledge that $50,000 was involved until you watched it on the box?

A Last Thursday, sir, when I saw the tape, that's the first time.

Q That's the first time?

A Yes, sir.

Q All the conversation was $25,000?

A Yes, sir.

Q But Amoroso and Weinberg had $50,000?

A It appeared so, sir.

Q So whatever was promised for this false performance, Amoroso and Weinberg had another $25,000 on top of that in that box, is that right, this television box?

A Yes, sir.

MR. BROWN: No further questions.

MR. PUCCIO: One further question.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Cook, were you aware that impersonating a federal official was against the law?

MR. FRYMAN: Objection.

MR. BEN-VENISTE: Objection.

MR. DUFFY: Objection.

MR. BEN-VENISTE: It's moot in this case. There was no such official.

THE COURT: I will sustain the objection.

Q One final question, Mr. Cook.

If you knew or if you were told that

Mr. Amoroso and Mr. Weirberg and Mr. Errichetti obviously all knew you were an imposter, why were you so petrified at the meeting?

A I think I already testified, number one, I was afraid not because of that. I was just afraid.

Q What were you afraid of if everyone in the room knew you were an imposter?

A Because the Sheik may eventually have found out and I think I testified to that before.

Q Did you realize something when you walked into that room about Mr. Amoroso and Mr. Weinberg's knowledge, Mr. Cook?

A I realized that somebody cared at that meeting that I wasn't whom I was supposed to be, yes, sir.

Q And that was Mr. Amoroso and Mr. Weinberg; is that right?

MR. BEN-VENISTE: Objection.

MR. BROWN: I object. It's an improper recapitulation and it's argumentative in tone and in form.

THE COURT: Overruled.

A I thought mainly Mr. Amoroso and Mr. Weinberg had indicated to me he could work it out, we could go over to Immigration and work it out. So he thought we would

work it out, but Mr. Amoroso gave no impression of working things out.

THE COURT: Is that all?

MR. PUCCIO: Yes.

MR. BEN-VENISTE: One question.

FURTHER RECROSS EXAMINATION

BY MR. BEN-VENISTE:

Q When you were afraid, it was Mr. DeVito you were afraid of? Isn't that right, Mr. Cook?

A I was afraid for my life, sir.

THE COURT: All right.

You are excused, Mr. Cook.

We will recess for lunch, ladies and gentlemen.

Don't discuss the case during the luncheon recess.

We will resume at ten minutes after two.

(The jury left the courtroom.)

(Luncheon recess.)

* * *

A N T H O NY A M O R O S O, called as a witness, having been previously duly sworn, resumed the stand and testified further as follows:

THE COURT: Ladies and gentlemen, you may recall that yesterday we interrupted Mr. Amoroso's testimony in order to take Mr. Cook. We are now back to Mr. Amoroso, who if you perhaps have forgotten is the first witness in this case.

The cross examinations have been concluded. We are at the point of redirect examination.

Mr. Amoroso, will you resume the stand.

THE CLERK: Mr. Amoroso, please be advised that you are still under oath.

MR. PUCCIO: May I proceed, your Honor?

THE COURT: Yes, proceed.

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Amoroso, you indicated, did you not, that prior to July 26, 1979, you had met with Mayor Errichetti on several occasions, is that right?

A That is correct.

Q Now, with relation to one of those occasions which you met Mayor Errichetti, I show you a document which is marked Government's Exhibit 18 --

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q (Continuing) Will you examine that document, please?

A Yes, I have.

MR. BEN-VENISTE: Now, your Honor, may we have a cautionary instruction with respect to the defendant Criden as to this area?

THE COURT: Yes. I am not sure of the date that is involved here. But I believe the incident we are speaking of involves only the defendant Errichetti and not any of the other three defendants.

MR. PUCCIO: That is correct, sir. I will place a date on it.

THE COURT: There is a limiting instruction that you are to consider this only with relationship to Mr. Errichetti, subject to any further instructions I may give you later.

MR. PUCCIO: May I proceed, sir?

THE COURT: Yes.

(Continued on next page.)

Q Now have you seen that document before?

A Yes, I have.

Q And would you be able to tell us on what date you first observed that document?

A Yes, March 3, 1979.

Q Where was it that you first observed that document?

A In the parking lot of the Holiday Inn in Hauppauge, New York.

Q When you first observed that document who had it in his possession?

A Mayor Errichetti.

Q And who else was present, if anyone?

A Myself and Mr. Weinberg.

Q And what is that document, Mr. Amoroso?

A It is a legislative index of the State of New Jersey.

Q It is a book with a number of pictures in it of legislators in the State of New Jersey?

Is that right?

A That is correct.

Q And was there any conversation on March 3,1979 had between you, Mayor Errichetti and Mr. Weinberg concernin this document, and if there was, tell us what you

said, what Mr. Errichetti said, and what Mr. Weinberg said as best you can recall?

A As best I recall, the conversation was mainly directly between Mr. Errichetti and Mr. Weinberg. And Mr. Errichetti gave Mr. Weinberg this index and indicated that the people that were checked off, and I believe he was going through the pages and pointing to several of them, the people that were checked off would be with us in our Atlantic City endeavors.

Q Was there anything else said about these people?

A Yes, that the indication was -- well, not the indication -- he said that they would be with us.

Q And how many pictures are there in that book?

A Shall I count them?

MR. BROWN: If your Honor please, the number -- we have no objection of course because your Honor has given a direction as to the general testimony -- but the number we would object to as irrelevant.

THE COURT: Overruled.

A Approximately a 120.

Q All right.

Was there any mention during this conversation by the Mayor or anyone else about buying those people?

MR. BROWN: I object to that.

A Well --

THE COURT: Wait just a moment.

There is an objection. But before we get to that. You said 120?

THE WITNESS: Approximately. That is the total number in the book.

THE COURT: That is not the number of people that you said would be with you?

THE WITNESS: No. I was asked about the total number that were in the book.

THE COURT: Then the objection to the latter question is overruled.

Q Would you answer it?

A Would you give me the question again.

Q Was there any mention by anyone in this conversation about buying any of the people in that book?

A Yes, there was.

Q Well, what was said?

A Mr.Errichetti indicated that we could buy these people.

Q Which people did he indicate you could buy?

A The people that were checked off.

Q How many people were checked off? Please

count them.

A I count 13.

Q 13 out of the total number?

Is that right?

A Yes, correct.

Q Is Mayor Errichetti's picture in that book?

A Yes, there is.

Q Is there a check mark next to his name?

A Yes, there is.

Q Now, Agent Amoroso, with respect to the meeting on the boat about which you have testified and with respect to the use of electronic equipment, I ask you this question, how were you dressed on July 26, 1979 at the meeting of course with the defendants?

A In casual clothes, meaning a pair of slacks and a shirt.

Q Now, you indicated that you had the attache case which is marked as Government's Exhibit 16 with you, is that correct?

A Yes.

Q There was a Negra concealed inside that attache case?

A Correct.

Q Now, you have indicated that you have worn a

Negra on certain occasions?

A Not I believe on this occasion?

Q But on other occasions you have worn a Negra?

A Yes.

Q And you did not attempt to put the Negra on your body on that day, is that right?

A Correct.

MR. DUFFY: I object to the leading, sir.

THE COURT: I will let that question and answer stand. But I do not think that is necessary to lead at this stage.

(Continued on next page.)

Q How long would it normally take to outfit yourself with a Negra worn on your body?

A Probably 15, 20 minutes.

Q And is that something that you would do alone or with the assistance of someone else?

A You usually do it with the assistance of someone else, depending upon where you want to conceal the apparatus.

Q And where would it normally be concealed?

A Well, that varies with the individual who is wearing it.

He could conceal it in the small of his back, against a thigh. I think it is just a matter of choice, depending upon the looseness of the clothing that you are wearing.

Q Well, what clothing were you wearing on that day?

A Well, I was wearing a pair of slacks and a pullover shirt, in fact, a banlon shirt.

Q Was it a short sleeve or a long sleeve shirt?

A Yes, short sleeved.

Q In your view would you have been able to successfully have concealed the Negra on that day?

MR. BROWN: I object to that as a leading

question and calling for a conclusion.

THE COURT: Overruled.

MR. BROWN: I beg your pardon?

THE COURT: Overruled.

MR. BROWN: Thank you.

A No, I don't think I could have.

MR. PUCCIO: I have no further questions, your Honor.

THE COURT: Any recross?

MR. BROWN: I have one or two brief questions, your Honor.

I am sorry. I didn't understand they were involved in this.

(Addressing the Court and defense counsel.)

MR. PUCCIO: Oh, if I may, your Honor, I have one additional question.

(Continued on next page.)

Q Mr. Amoroso, did you attend a meeting on September 19, 1979 with an individual who at that time represented himself to be someone with immigration service?

A Yes, I did.

Q And before the meeting who were you under the impression that you would meet with?

A The number 2 man for immigration and naturalization service, I believe his name was Mario Noto.

Q Prior to --

MR. BEN-VENISTE: I didn't hear that name, your Honor.

A Mario Noto.

Q Prior to September 19th meeting Mr. Amoroso, had you had in your possession or had you seen a photograph ofMr. Mario Noto?

A Yes, I had.

Q And approximately how long prior to the meeting had you seen that photograph?

A At least the day before.

Q To your knowledge had Mr. Weinberg seen that photograph?

A Yes, he had.

Q Do you know how he saw the photograph?

A Yes, I showed it to him.

Q And when did you show it to him?

A At least a day before when we got it.

Q By the way, with respect to Exhibit 18, does it have a received stamp on it?

A Yes, it does.

Q What does it say?

A Received January 16, 1979, mayor's office, City of Camden, New Jersey.

MR. PUCCIO: Thank you.

THE COURT: Mr. Duffy, any recross?

MR. DUFFY: I pass to Mr. Brown, sir.

MR. BEN-VENISTE: I have one question in the in-between.

THE COURT: You got it.

MR. BEN-VENISTE: Because I think we have that Nagra here in court.

THE COURT: Proceed.

MR. BEN-VENISTE: May I have it, please. It is Exhibit 17.

RECROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q Would you show the jury, please, Mr DeVito, where you would put the machine if you were secreting it

in the small of your back.

A Do you wwant to turn around and I'll show it?

Q Why don't you show it on you if you can.

A Strap it behind here with a belt, a band belt, depending on your clothes, bou could lock it in here, down in here.

There are many, many areas depending on the size and shape of the individaul wearing it.

Q And you have worn it before in which places?

A I have worn it in the small of my back and I have worn it just in a jacket pocket.

Q And you didn't have a jacket that day and it would have looked kind of silly to wear a suit jacket on a boat, but you dressed yourself that day, didn't you?

A Correct.

Q Nobody told you what you were supposed to wear other than yourself?

A Correct.

Q And it is fair to say if you wanted to wear the Nagra that day you could have worn loosely-fitting clothes and worn it in the small of your back or in your thigh or in your trouser leg?

A Correct.

Q Isn't that true?

A Correct.

Q Okay.

Q Now, who did you send over to get a picture of Mario Noto?

A I didn't. Mr. Good would have been responsible for that.

Q Where were you on the 18th of September?

A I would have been there.

Q Where were you, in Washington?

A In Washington.

Q And where were you staying?

A At the town house.

Q You actually lived there in the town house?

A Yes, when we were utilizing there we lived there.

THE COURT: That is the house on W Street?

THE WITNESS: On W Street, yes.

Q Did Mr. Weinberg live there?

A Yes, he did.

Q Who else lived there?

A Who else lived there?

Q Yes.

A Who would have been staying there?

Q Yes.

A Probably anyone driving for me at the time, possibly Mr. Good. It depended.

Q Was Mr. Haridopolos staying there?

A Yes.

Q When you say driving for you he was the chauffeur?

A No.

Mr. Bradley or Mr. Bursey probably would have been.

Q And were they staying there too?

A I don't recall.

Q Would you tell this jury whether it is the regulation of the Department of Justice that the FBI tell the informant everything that the FBI knows about a case?

MR. PUCCIO: I object to that.

THE COURT: Overruled.

A Would you repeat the question?

MR. BEN-VENISTE: Would you read it back.

(Record read.)

A Is it regulation? No, it is not.

Q Now, are you familiar with the regulations of the FBI regarding informants?

A I believe so.

Q And did you review them and apply them in connection with this case?

A I did not review them, no.

Q Did you remember them in sufficient detail?

A In respect to what?

Q In terms of the control over the informant.

A I still don't follow what you are getting at.

Q Did you review -- what regulations are you speaking of so that the jury understands?

A We have regulations on reporting information you receive from them. Basically I would say that is what the area is.

Q Are there regulations which cover the character and motivation of the informatn?

A Not that I know of.

Q Are there regulations which measure, which cover the ability of the FBI to control the informant's activities so that his conduct would be consistent with the instructions that are given to him?

A Yes. We attempt to do that.

Q And are you familiar with the regulations concerning an informant violating the instructions set forth in furthrance of his assignment, what he is supposed

to do?

A Have I read them?

Q Yes.

A No.

Q Do you know what they are?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Do you know about any regulations regarding the reliability and truthfulness of the informant?

A I don't believe there are any regulations regarding that.

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RECROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, you referred in the course of your redirect examination by Mr. Puccio as to 3500-18.

A Yes.

Q You said it was shown to you in a parking lot in Hauppauge, is that correct?

A Yes. Holiday Inn.

Q Holiday Inn?

A Yes.

Q On or about March 31st of '79?

A Correct.

Q Am I right?

A Yes.

Q And you stated Mr. Weinberg was there?

A Yes.

Q Right?

A Correct.

Q Did Mr. Weinberg participate in this?

Do you know whether it was not he who checked off the names physically?

A No.

The book had already been checked off. Mr. Errichetti handed the book to Mr. Weinberg and as he did he opened the book and he pointed to various photographs, and referred to some of them by title.

Q Rather than name?

A Rather than name.

Q And he also said in effect that these people

will be with us in Atlantic City?

A Correct.

Q And Atlantic City referred to the project which was then under way, which had been described I believe as a legitimate project, and attempts to finance a casino?

A No.

It was in relationship not only to the funding of the casino, but the securing of the people to insure that the casino licenses and any problems we might incur.

Q I see.

So that these people were all members of the legislature.

Were there any of rhem -- and this just a general reference to the 19th?

A Yes.

Q They will be with us in Atlantic City with all of the background chat you havejust explained?

A Yes.

Q But nothing specific about they will do this or that, just the 19 out of 120 will be with us when we go to Atlantic City.

A I believe I said 13.

Q I wrote down 19, I beg your pardon.

So it would be 13 out of 120?

A Yes.

Q No reference what they will do, just they will be with us in Atlantic City?

A That they can be bought.

Q That they can be bought?

A Yes.

Q And that was the end of that reference I take it?

A Correct.

Q And for the future that was the endof the reference, is that correct, as far as 3500-18 is concerned?

A I don't know if any of the other names were mentioned because I haven't gone over the names again.

Q But that was the end of the refernce insofar as the use --

A That is that then.

Q Was 3500-18 ever brought out again at any future day?

A No.

Q I am talking about the actual book.

A No, the actual book, no.

Q So the episode in the parking lot would be

the beginning and the end of any refernce to 3500-18.

Am I correct?

A Yes.

Q And that took perhaps five minuts, ten minuts?

A Maybe less.

Q And no prices named, no places of arrangement to buy these folks?

A No.

Q And that is literally and practically the end of the reference?

A Correct.

Q Now, it is also true, isn't it, that subsequently when we come to the Mario Noto meeting, the episode of September 19th, I believe?

A Yes.

Q That you had had some information prior to the--

MR. BROWN: Your Honor, I am approaching him. May I?

THE COURT: Go ahead.

Q It is also true that you had obtained certain information that prompted you to make inquiry the day before the 19th?

It would be on the 18th you made inquiry?

A As to wht?

Q As to the identity of Mr. Noto.

A It was a practice in any transaction to obtain a photograph and to find out who the individual we were dealing with was.

Q Now, I am showing you a draft of 3500-122.

You may refer to all of it but if I may call your attention to the part I will be concerned with, it relates to this, which I am pointing to, and that.

Examine it all if you please, but that is what I am concerned with.

A Just the first two pages?

Q My examination, if the court will allow me to say this, will be restricted to the first few pages.

THE COURT: All right.

Q You have access to all of it but my examination will be restricted to that.

THE COURT: Ask hikm some questions and if he wants to look at it again he can.

Q With respect to the date on it it is the 14th, you will notice, September 14th.

A All right.

Q We are now five days before the actual meeting.

A Yes.

Q Isn't it a fact the name that was conveyed to you as the name of the person who was going to appear would be Mopo?

A It is listed here as Nopo.

Q N-o-p-o?

A Yes.

Q And that is not the name you said you checked out, is it?

A No.

Q The name you checked out as I recall on September 18th was Moto?

A Yes.

Q Now, the name that you got as far as you personally were concerned was given to you by Mr. Weinberg?

A Correct.

Q And what name did Weinberg convey to you as the name of the chap who was going to show up on the 19th?

A From this I would indicate, Mario Noto,

Q So that would be this name byou got from Weinberg?

A Yes.

Q And that would be the name that had been given to Weinberg by Errichetti, is that right?

A Yes.

Q Now, you said you checked out the man on the 18th and found he was -- I will withdraw it.

What did you say the title was of the Noto that you checked on the 18th?

A I didn't do the checking. The name was given to the supervisor.

Q I'll withdraw it. I'm sorry.

What was the name -- Noto was the name.

What was the position of that man when you had it checked out for your benefit?

A He indicates here, commissioner --

MR. BROWN: My objection is it is not responsive, your Honor, excuse me.

THE COURT: I understand.

Q On the 18th you had it checked out, am I correct about that?

A Correct.

Q What was the information you received after you had the name Moto checked out?

A I believe it was Noto, N-o-t-o, Mr. Mario T. Noto was the number two man of immigration and naturaliza-

tion service.

Q If that document before you refreshes your recollection, may I ask you if it is not a fact when Mr. Weinberg reported the name to you as he allegedly got it from Mr. Errichetti, that it was Mopo, and he was the commissioner of immigration; is that right?

A That is the way it appears here, yes.

Q So we have two differences, one was when you checked it out it was a gentleman named Noto and he was a deputy of some sort.

A I can't answer that.

I didn't check it out.

Q Again I misstated, I beg your pardon.

When you received the result of the check, it came back to you as Noto, N-o-t-o, as some sort of deputy?

A Correct.

Through our office we could have -- we would have cross-checked the name with various cross-checks, and come up with Mario Moto.

Q I understand you were not testifying from direct experience.

A Yes.

Q So you are testifying indirectly that someone

checked out a deputy named Noto?

A Yes.

Q And the fact is that Weinberg reported to you the man to appear was Commissioner Nopo, N-o-p-o, is that correct?

A Yes.

Q Now, then did you ever check to find out if indeed there had been a commissioner named Nopo as opposed to Noto?

A Myself, no.

(Continued on next page.)

Q Did anyone report to you with respect to that?

A I was only given Noto. I don't know if there was anybody named Nopo.

MR. BROWN: I will propose to receive it, your Honor.

THE COURT: All right.

MR. BROWN: Thank you.

May I take this?

THE COURT: Yes.

Q Now, with respect to the Nagra recorder which is G-17, you said that you didn't make any attempt to put this on your body on July 26th, the date of the boat ride?

A Correct.

Q Correct?

A Yes.

Q And you have stated you believe you could not have in view of the clothing that you wore, but you don't say absolutely that you could not, correct?

A Also the heat conditioners.

Q The heat conditioners would deter you from using this?

A Yes.

In that heat the clothing sticks to you and

it would oueline the instrument so someone might be able to see it.

And Ithought it was not worth being put in that position.

Q Is this the only kind -- is the FBI immobilized in hot weather as far as using body equipment?

A That type, what was accessible to me, that was it.

MR. BROWN: Thank you.

I have no further questions.

THE COURT: Any other questions for Mr. Amoroso?

MR. DUFFY: I am not knocked out of the box, am I, sir?

I only passed.

THE COURT: No.

It sounds like a convention when you say you pass.

MR. DUFFY: I am a politician, your Honor.

THE COURT: For late consideration.

Proceed.

RECROSS-EXAMINATION

EY MR. DUFFY:

Q Forgive me, please, Mr. Amoroso, I have

to go back to Nopo, Noto. I will be brief.

You told thisjury, and I am really not intersted when you learned it, but sometime before the 19th you got a picture of Mario Noto, the deputy commissioner, is that right?

A Correct.

Q Now, what did you get,an eight by ten glossy or something from a book like Government's 18?

A Something approximately that size, yes.

Q Did it tell you anything about him?

A We just knew how old he was and what his name was.

Q Answer my question, please. Did it tell you anything about Noto, the picture that you got?

A What way are you referring to?

Q Was there any writing connected with it?

Was it a thing out of that book which said Mario Noto, father of six, lives in Pennsylvania and so forth?

A I don't recall it right now.

Q There was some indication on the video tape we saw, and I confess I think it came from Mr. Weinberg, that you -- that would mean plural, you, expected someone older?

A Correct.

Q Did you too expect someone older?

A Correct, from the photograph.

Q Do you have that photograph?

A I don't, no.

Q Did you turn that photograph in with a 302 in connection with that meeting?

A No.

Q Did you prepare a 302 report in connection with that aborted attempt to scam you?

A No.

The film was the report.

Q Is there any way we could get our hands on the picture that you got?

A I don't know if it is still an exhibit. I am not sure.

Q When you got the picture you had asked for some check-out, as it were, on a man named Mario Nopo, p-o, is that correct?

A Yes.

Q And you got back a picture of a man and you were told that his name was Noto, correct?

A Correct.

Q Now, how did you get the information that

his name was Noto?

Was it written on the picture?

A Mr. Good gave me the picture and gave me the man's name.

Q You are holding your hand out.

Did he give you a piece of paper?

A Gave me a photograph of Mr. Noto.

Q Right.

THE COURT: How did he give you his name?

Did he say this is Mario Noto?

A His name was on the photograph.

Q Was there any biographic data on the photograph?

A Not that I recall.

Q So you had a photograph on the 18th of September that said, on the front there was a picture of Mr. Mario Noto, correct?

Q I see.

And you discussed that with Me. Weinberg?

A As far as discussing, no. Just showing the photograph of whom we were expecting.

Q I see.

When you did the predicate to the tape, when you sat in hat front room in the house on W Street

in Washington --

A Correct.

Q You knew from the day before that the man's name was Mrio Noto, is that correct?

A Yes.

Q That is what you want this jury to believe, is that right?

A Yes.

Q And why did you ay Mario Moto?

A I mispronounced his name.

MR. DUFFY: I have no further questions.

THE COURT: Any other questions?

MR. BEN-VENISTE: Yes, sir.

FURTHER RECROSS-EXAMINATION

BY MR. BEN-VENISTE:

MR. BEN-VENISTE: Just a second, byour Honor.

THE COURT: All right.

(Pause.)

MR. BEN-VENISTE: May I ask the question from here?

THE COURT: Surely.

Q Mr. Amoroso, when did Mr. Weinberg provide the name Mario Nopo to you as the person who Mayor Errichetti mentioned?

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A I don't recall.

Sometime within that time frame, from the time he got it within a day.

Q Where were you during that week? The meeting occurred on the 19th.

Where were you?

A I don't recall. I would have to look at some of the exhibits.

Q What would you like to look at that might help refresh your recollection?

A Possibly the list of exhibits might.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

A I would believe I was in that are, I was in Washington at least a couple of days ahead of that meeting.

I am not sure. Looking at the list I don't see my name on any of the other exhibits within a few day period.

Q Was Mr. Weinberg with you during let's say the week before the meeting?

A For part of thetime, yes.

THE COURT: Mr. Amoroso, would you look at

the September 14th entries.

THE WITNESS: September 14th?

THE COURT: The second page they appear on, the second one from the top.

THE WITNESS: Yes, correct.

14 is Cherry Hill, New Jersey.

Q You were with Mr. Weinberg in Cherry Hill, New Jersey?

A Yes.

I see my initials here on one of the exhibits.

Q And were you with him on the 15th?

A From this I can't tell.

Q But it is quite clear to you that you were with him on September the 14th?

A I would imagine I was because we show a telephone call from him in New York to Mr. Errichetti in New Jersey.

Q And you remember that telephone call?

A No. Not without --

Q But in terms of your recollection in terms of Cherry Hill reference it is quite clear that you were with him on the 14th, quite clear to you?

A Yes.

Q May I have that, please?

Now, are you aware that Mr. Weinberg on the 14th obtained the name Mario Nopo from Mr. Errichetti.

A Only since my memory has been refreshed.

Q I see.

Did Mr. Weinberg tell you that he had had a conversation with Mayor Errichetti that day on the telephoen that he had tape recorded?

A I don't recall.

Q Do you remember reviewing a tape recording relating to Mayor Errichetti and Mr. Weinberg setting up that meeting?

A I don't recall.

Q Have you since reviewed those relevant tape recordings?

A I have been reviewing tape recordings during a period that is ahead of this.

Q Okay.

Is it not a fact, sir, that on September the 14th, the same day you were presnt with Mr. Weinberg, that Mr. Weinberg made a tape recording that you were not a party to between him and Mayor Errichetti?

A I don't recall.

Q Let me show you Exhibit 3500-132.

A That is the same one I just saw.

Q Does that refresh your recollection, sir?

A As to whether I was present when it was made?

Q Yes, sir.

I don't recall. I don't recall where it was made from. It was made from New York.

I would have to see the location from which it was made.

I don't know.

Q You don't know?

A Correct.

Q Is it not a fact, sir, that this conversation, the tape recorded version of it, does not begin at the beginning of the conversation, and that the first words that are recorded are the words, commissioner of naturalization in that conversation.

A I haven't listened to the tape. Based on your transcript I see it starts with commissioner.

MR. BEN-VENISTE: If I may your Honor --

THE WITNESS: Our transcript.

Q This is your transcript?

A Yes.

Q And you have no reason to doubt that your transcript is an accurate transcription of the material

that is contained on the tape recording such as it is?

A Yes.

Q And does it strike you odd that the conversation that is tape-recorded begins with not hello, how are you, but with the word only commissione?

A No, it doesn't.

(Continued on next page.)

Q It doesn't strike you odd?

A No.

Q Do you think maybe there was some conversations between Mr. Errichetti and Mr. Weinberg that it is not coniained on that tape recording?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q On the basis of your investigative abilities, and your experience, sir, is it not true that conversations do not normally begin in the way that this conversation appears to begin on this tape recording?

MR. PUCCIO: I object.

THE COURT: Isn't that fairly obvious, Mr. Ben-Veniste?

MR. BEN-VENISTE: I think so, sir.

THE COURT: I don't know if it takes expertise of the FBI to determine that Ben-Veniste if it is conceded I'll accept the concession of the government.

THE COURT: Concession does not mean a thing. It is for juries to determine based on their practical common sense.

MR. BEN-VENISTE: I have no questions of this witness.

THE COURT: Any other questions?

MR. PUCCIO: May I just examine Exhibit 18 for a moment?

THE COURT: Yes.

MR. PUCCIO: I may have another question, your Honor.

THE COURT: Just a moment, Mr. Amoroso.

MR. BEN-VENISTE: I'm sorry, your Honor, may I ask one or two more questions while Mr. Puccio is leafing through that?

THE COURT: Proceed.

Q You have spoken to Mr. Weinberg recently about his practice of tape recording, haven't you, sir?

A Recently?

Q Yes.

I mean, you have seen him every day and you have testified that you have spoken to him every day?

A I have spoken to him.

Q Do you know, not that there are some questions about thes tape recordings as I pointed them out, at least some of them --

MR. PUCCIO: I object.

THE COURT: Overruled.

I'll let him answer it.

A Can we have that again?

Q You know that there are some questions about some of these tape recordings that either don't begin where they would logically appear to begin as far as the taped version is concerned, don't you?

A Your question?

Q Yes.

You don't have any question apparently?

A No.

Q And you know also there are some questions about tape recordings that appeared to have been stopped at some point and started again?

A Correct.

MR. PUCCIO: I object, your Honor.

THE COURT: You are objecting to the argument being made about the tape recorders through these questions?

MR. PUCCIO: I am objecting to these tape recordings being asked through this witness, your Honor.

THE COURT: Overruled.

Q You are aware of that, aren't you?

A Yes.

Q You are shaking your head yes?

Q Did you ever visit --

MR. BROWN: Your Honor, excuse me, may I approach Mr. Puccio for just one minute?

(Mr. Brown confers with Mr. Puccio.)

THE COURT: Proceed.

Q Did you ever visit Mr. Weinberg's residence in Florida?

A Yes, I have.

Q And did you know where he had his tape machine set up down there?

A Yes, I did.

Q Where?

A Where he would normally have it set up?

Q Yes.

A In an outside screened area.

Q What is called a Florida room? Inside the house or outside the house?

THE COURT: A screened-in porch?

A If I say much more I could possibly give away the location of the residence.

Q I don't think a porch in Florida is doing to give away too much, Mr. Amoroso.

A I have to add to that. It is not a porch.

Q Could you just describe the room for the

jury, please?

A No, I don't think I could.

THE COURT: How about the interior of it?

THE WITNESS: The interior would have a glass top table where the recorder would have been placed.

Q And how high a table is that?

A Breakfast-type table.

Q About as high as this table or lower, more like a coffee table?

A About that height.

Q All right.

And where was the telephone located?

A The telephone would have been located about five or six feet to the right of it.

Q And was there an easy chair or some kind of chair next to the table?

A I believe that there was, plus the chairs that went with the table.

Q And did you ever observe Mr. Weinberg tape record a conversation?

A Yes, I did.

Q In that room?

A Yes.

Q And would you describe for the jury where

he would sit while he was tape recording?

A He would sit possibly on the easy chair or on one of the other chairs.

Q And where would he put the tape recorder?

A It would be on the glass-top table.

Q And how far is the chair from the table?

A It could be as close as he wanted to pull it.

Q And how far was the telephone from the glass-top table?

A It was approximately five feet. It had an extension cord so that he could bring it over to the table.

Q When he was tape-recording the conversations he basically used the table as his base o. operation and put everyting on it?

A Correct.

Q The phone, the tape recorder next to the phone?

A Correct.

Q And what was the floor of that room? Was it carpet or linoleum or what?

A I would say it would be concrete with an indoor-outdoor type of carpet.

Q It was carpeted?

A Yes.

MR. BEN-VENISTE: I have no further questions.

MR. DUFFY: Just one, sir.

FURTHER RECROSS-EXAMINATION

BY MR. DUFFY:

Q Was the tape recorder up against the wall or in the middle?

A It was close to the wall but not the middle.

Q Tell me how close.

A It was close to the side but not in the middle of the room.

Q Could you walk all the way around the table?

A No.

Q Because you would bump into the wall?

A You bump into the wall.

MR. DUFFY: Thank you.

THE COURT: Thank you, Mr. Amoroso, you may step down.

MR. PUCCIO: Judge, I have some questions.

THE COURT: I'm sorry.

MR. PUCCIO: I'll be very brief.

THE COURT: Proceed.

FURTHER REDIRECT EXAMINATION

BY MR. PUCCIO:

Q You testified you received that book on the 31st of March 1979, is that correct?

A Yes.

Q Would you look through it, please and tell us whether you met with any of the checked individuals after that date?

Don't tell us the names, jut how many you met with, other than Mayor Errichetti, of course.

MR. BROWN: My only objection would be of course not in the context of Mayor Errichetti introd cing him or -- may I come to the side bar? Perhaps I am going too far.

THE COURT: Could you focus that question a little bit, Mr Puccio?

Q Mr. Amoroso, did Mr. Brown -- Mr. Brown ask you if anything was done with respect to this book after the 31st or whether it was over and done with as of that date?

Do you recall those questions?

A Yes.

Q I ask you, did you meet with any of the people who were checked?

A Yes.

MR. BROWN: I object, your Honor, for this

reason.

May I, your Honor?

THE COURT: Yes.

MR. BROWN: I asked him if it was over and done with, with respect to this book and Mayor Errichetti, and he said no.

Now, I submit it is improper redirect if there are other areas. And that is why I know your imitations on argument and I am trying to be very careful.

THE COURT: The objection is overruled.

Q Did you meet with any of those people after that day?

A Yes.

MR. BEN-VENISTE: I would have an objection and ask for a cautonary instruction insofar as Mr. Criden is concerned.

MR. BROWN: Would you permit a side bar, please? I think there is one matter I should call to your attention.

THE COURT: It gets deeper and deeper.

Side bar.

* * *

(The following occurred in open court.)

MR. PUCCIO: I will not pursue that line of inquiry any further, your Honor.

No further questions.

THE COURT: Step down, Mr. Amoroso.

MR. PUCCIO: We call Michael Criden.

M I C H A E L C R I D E N, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Michael Elliot Criden.

THE CLERK: Please spell your last name.

THE WITNESS: C-r-i-d-e-n.

THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: All right, Mr. Puccio, you may proceed.

MR. PUCCIO: Thank you, Judge.

Q Mr. Criden, you are the son of the defendant Howard Criden, is that correct?

A Yes.

Q Now, I direct your attention to August of

of 1979, more specifically August 22nd.

Did you have occasion to take a trip to New York with your father on that day?

A Yes, I did.

Q And tell us how you and your father traveled to New York and from where you traveled?

A We drove to New York from Philadelphia.

Q Who drive the car, do you recall?

A I did.

Q And aboujt what time did you arrive in New York and where?

A We arrived roughly about 12:00 at Kennedy Airport.

THE COURT: Twelve noon?

THE WITNESS: Twelve noon, yes.

Q And was it just you and your father in the automobile?

A Yes.

Q And where at Kennedy Airport did you first arrive?

Can you recall?

A I think it was the Pan Am Terminal.

Q And what happened when you arrived at the Pan Am Terminal?

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A We parked the car up front and went into the terminal.

Q And what took place then?

A We waited there for a few minutes.

Then we went upstairs -- we waited for a few minutes.

My father was supposed to meet someone. And we didn't see whom he was supposed to meet. And then we went upstairs and I think we had a soda or something, just to wait.

And he said we had to wait a few minutes.

Q And what happened next?

A A little time elapsed and we went back downstairs and my father saw the people he was supposed to meet with.

And he went over to speak to them.

Q And how many people were there?

A I don't recall exactly. There were a few. Three or four.

Q And you recognized some of these people, is that right?

A Yes, that's correct.

Q Whom did you recognize?

A I recognized Mayor Errichetti and Mr.

Johanson.

Q And there was another gentleman, is that right?

A I think so, yes.

Q And you were introduced to him, is that right?

A Yes, briefly.

Q Who was that, Mr. Criden?

A They introduced him as Congressman Myers.

Q Anyone else present at that time?

A Not that I recall, no.

Q What happened after you and your father observed Mr. Johanson, Congressman Myers and Mr. Errichetti?

A I stepped aside and I think they all talked privately for a few minutes. And then Congressman Myers, Mr. Johanson, and Mayor Errichetti left and my father and I wanted in the terminal.

Q Do you recall where you waited in the terminal?

A We waited up on the first floor again.

We had gone down to the basement to meet them and we were up on the first floor again.

Q And for how long did you wait?

A I would say it was about an hour or so, mayb

an hour and fifteen minutes, hour and a half.

Q And what happened then?

A We were waiting in the front lobby there of the Pan Am terminal, and Mayor Errichetti came back in by himself and motioned for my father.

And my father went over to speak to Mayor Errichetti. And I waited inside.

Q Then what?

A Then I am not positive. I think I went outside. My father told me to go outside. Mayor Errichetti's father was outside.

And he said go talk to him and say hello. His name is Joey. He said go introduce yourself.

So I went outside.

Q And you went outside and you left your father and Mayor Errichetti in the terminal?

A Yes.

Q Did you introduce yourself to Joey?

A Yes, I told him I was Michael Criden and we introduced ourselves and just talked about tings.

Q And then what happened?

A Then my father and Mayor Errichetti came back out and we went in our car and Mayor Errichetti got in his car and went home or wherever he was going to go.

Q Now, when you got back in your car to leave, Mr. Criden, did you and your father have anything in your possession?

A My father had given me his briefcase. As usual I usually carry his briefcase.

And when we walked out of the terminal I took his briefcase and put it in the car.

Q And did he have his briefcase when he left that morning?

A Yes.

He always had it.

Q And did he carry it with him when he left the car when you first arrived at the Pan Am Terminal?

A Yes, yes.

I brought it out of the car and we were standing there.

Q The briefcase was taken out of the car?

A Yes. He always takes it.

Q When you prepared to leave the briefcase was put back in the car, is that right?

A Yes.

Q And any other packages or envelopes?

A No. Just the briefcase.

Q Did you look in the briefcase on that day?

A No. I never looked in the briefcase.

Q Excuse me?

A I never looked in the briefcase.

Q Tell us what happened after you and your father got back in the car at the Pan Am Terminal with the briefcase?

A I asked where we were going and he said he had to go back to his office.

So we drove back to his office in Philadelphia.

Q Now, about what time was it that you departed?

A I would say somewhere between 1:30 and 2:00.

Q By the way, had your fathe told you what the purpose was for your trip to New York?

A No, he didn't.

Q Well, did he say that he was going to meet with anyone or that anyone was going to meet with anyone?

A He said he had to meet some gentlemen.

When I saw them that is the first time I knew --

Q Excuse me?

A That is the first time I knew who it was.

When we got there I didn't know.

Q Had he told you -- you knew Mr. Johanson for years, is that right?

A For many years, yes.

Q And you had met Mayor Errichetti before, is that right?

A Once, yes.

Q And had he told you, that is, he, your father, told you when you left Philadelphia that morning that ou would be meeting with Mr. Johanson and Mayor Errichetti?

A Not that I recall, no.

Q Did he tell you that you would be meeting with Congressman MYes?

A I never heard Congressman Myer's name mentioned before I met him.

Q Did your father tell you, before your left or before you arrived in New York that day, that he would be meeting with Tony and Mel?

A No. I neve heard their name.

Q Now, how long did it take you to drive back to Philadelphia?

A It take only about two hours.

Q Tell us what happend upon your arrival in Philadelphia.

First when you arrived and what happened.

A We parked the car in my father's garage around

the corner and went into his office.

Q And was anyone presnt up in the office when you arrived?

A Yes.

Mr. Cook was present.

Q Anyone else that you recall?

A No, no. I just remember Mr. Cook.

Q What happened after you arrived?

A We came into the office and Mr. Cook motioned for my father that he wanted to talk to hikm privately.

Q Then what happened?

A My father and I, we wnet into Mr Cook's office where Mr. Cook and my father had a private, a quiet conversation between the two of them.

Q And did you overhear any of this conversation?

A A few words.

I really didn't -- I kind of feigned myself out of it because it really is none of my business.

Q What few words did you hear?

A I heard Mr. Cook say something that there was some kind of problem, something or another, and something with money, there was a problem with money.

Q Did you hear that there was less money than they expected, something to that effect?

A No, not in those words, just that there was a problem with the money.

That's all I heard.

Q Did you hear that there was not as much as expected?

A Not in those words. Something maybe to that effect.

Q Did you hear anything about giving someone fifteen?

A Yes. I recall Mr. Cook saying he had figured out a way to alleviate the problem. I think those were his words, that they would give fifteen, that's correct.

Q Mr. Cook said he had a way to alleviate the problem?

A Yes.

Q And they would give someone fifteen?

A Yes.

Q And did you take that to refer to money?

A Would I take it?

Q Yes.

A I would imagine so, yes.

Q And do you know who was to receive the fifteen to alleviate the problem?

A No, it would not. It would be unfair to say. I would not.

MR. PUCCIO: May I have one moment, your Honor?

THE COURT: Yes.

Mr. Criden, how old are you?

THE WITNESS: Twenty.

THE COURT: Thank you.

MR. DUFFY: I am not sure everyone heard that answer. Maybe I am butting in.

THE COURT: The answer was twenty.

Q Now, do you recall testifying before the grand jury -- perhaps let me -- first, would you answer that question.

Do you recall testifying before the grand jury?

A Yes, I do.

Q Let me show you --

MR. PUCCIO: May I approach the witness?

Page 32 --

Q Let me show you page 32 of the grand jury minutes, Mr. Criden, nd ask you if you look at that and see if it refreshes your recollection to Mr. Cook's conversation with you father.

MR. BEN-VENISTE: I'm sorry, I didn't hear the page number.

MR. PUCCIO: 32.

MR. BEN-VENISTE: Thank you.

(Handed to witness.)

MR. BEN-VENISTE: Is there a pending question that this is to refresh on?

THE COURT: With respect to something to the conversation between Mr. Cook and Mr. Criden, Sr.

Q Have you looked at it, Mr. Criden?

A Yes, I have.

Q Does that refresh your recollection as to whether or not it was mentioned that there was not as much money as expected?

A Yes, I think so, yes.

Q Tell us what you recall now.

A Basically like I said there was a problem with money, and Iguess the fact that there was supposed to be more and that it turned out to be less.

Q Now, what happened after you overheard this conversation? What was the next thing that happened?

A My father left Mr. Cook's office, which is adjoining to his office, and he went into his office and

shut the door and left Mr. Cook and myself in his office.

Q When your father opened the door to go into his office, did you see anyone?

A Yes, I did.

Q Whom did you see?

A I saw Mr. Johanson and Congressman Myers.

Q And after that the door was closed, is that right?

A es, yes, sir.

Q And did there come a time when that door opened up again?

A Not that door, no.

The other door in my father's office that meets the hallway, and he called for me and asked me to get the key and open the door and let Congressman Myers out.

Q And how long was it that you first saw your father say to get the key and let the congressman out?

A How long was the converation?

Q How lnog was it that they were inside the room?

A 20 minutes, maybe.

Q After your father told you to let Congressman Myers out, did you do that?

A Yes.

Q What happened next with Congressman Myers after this day?

A We, my father and I and Mr. Johanson -- Mr. Johanson asked if my father can drop him off, he had a speaking engagement or something.

And we left the office and we drove to d. op Mr. Johanson off.

Q And where was it -- withdrawn.

Did ou drop Mr. Johanson off somewhere in the City of Philadelphia?

A Yes, we did.

Q And do you remember whereabouts it was that you dropped him off?

A Yes. It was in the West Oak Lane section of Philadelphia.

Q And he had a speaking engagement in that vicinity?

A I think it was.

Q At least that is what he said?

A Yes.

Q Prior to you and your father dropping Mr. Johanson off and while the three of you were in the car together, did anything happen?

A Yes.

The West Oak Lane SEction of Philadelphia is a little bit of a dangerous section so Mr. Johanson, he gave me some money to hold for him. He didn't want to take all his money with him.

And he handed me some money and said if I was coming into the office the next day would I bring it in because he didn't want to carry his money with him.

Q And how much money did Mr. Johanson give you?

A I don't know. It was wrapped up in a rubber band.

Q About -- was it a stack of bills?

A Well, it was folded over in two.

Q With a rubber band?

A Yes.

Q About how thick was the stack?

A I don't really remember. It's hard to say. I didn't really pay attention.

Q Did you count the money?

A No.

Q What did you do with it, Mr. Criden?

A I put the money in my pocket and when I got home to my father I said it was ridiculous for me to have to come in. I gave him the money. I said, if you are

going to the office you take the money.

Q You take it and give it to Mr. Johanson?

A Yes. I didn't understand why he gave it to me in the first place.

Q And what were the denominations of the bills that Mr. Johanson gave you?

A I don't really remember. It was large. It was either a fifty or a hundred, I think. The outside bill is the only bill I saw.

(Continued on next page.)

Q Was the outside bill a hundred?

A It was folder over.

Q Was that a $100 bill?

A It was eigher a fifty or a hundred. It's hard to say now.

Q Now, shortly after this date, Mr. Criden, did you have occasion to have a discussion with your father about a safe deposit box?

A Yes.

Q And as best you recall -- well, first, when did this conversation take place in relation to August 22nd?

A That would be real hard to say. I really don't remember.

Q Was it a few days?

A I can't rememer. A week maybe.

Q Excuse me?

A A week or so maybe. I can't really be sure.

Q Well, as best you can recall what did your father say to you about the safe deposit box?

A Just to the effect that he wanted to open a safe deposit box and he wanted me to go with him and sign it so I can enter the box along with him.

Q Where did he want to open the safe deposit box up?

A At Provident National Bank.

Q At the time he said this to you he already had a safe deposit box, is that correct?

A He had one himself. I never had any.

Q And where did he have the one himself?

A I think it was at Girard BAnk.

Q And is that a box with your mother?

A Yes.

MR. PUCCIO: May I have a moment, your Honor?

THE COURT: Yes.

Q Now, did you hae occasion to go with your fahter to the Provident National Bank to open up a safe deposit box?

A Yes, I went with him to open the box, yes.

MR. PUCCIO: Your Honor,I would like to show the witness some records which have been marked as Government's Exhibit 12 for identification.

THE COURT: Proceed.

Q First I show you a card that is marked as Government's Exhibit 12 or as part of Government's Exhibit 12 for identification.

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Do you recognize that?

A Yes, I do.

Q Can you tell us what it is, please?

A It is the slip for opening the box with the signatures of my father, myself and my younger brother.

Q And is that the card pertaining to the Provident National Bank box that you spoke of?

A Yes.

Q And does that card refresh your recollection as to the date on which this box was opened up?

A Yes.

Q What was the date?

A August 24th.

THE COURT: Mr Puccio, did I misunderstand you as to the number of that exhibit?

Is it 12 or 13?

MR. PUCCIO: I'm sorry, Judge. It's No. 12.

MR. BEN-VENISTE: We have it as 13..

THE COURT: The list that you gave us identifies the Provident Bank records ax 13.

MR. PUCCIO: I'm sorry, Judge, we'll change it.

THE COURT: Change what to what?

MR. PUCCIO: Since this is marked we will change the list. It might be easier.

THE COURT: 13 was referred to yesterday in connection with Mr. Cook's testimony. That I think would have been the Trevose Bank records.

Would that be correct?

MR. CACHERIS: Yes, your Honor.

THE COURT: All right. So 12 and 13 are reversed on that exhibit list.

MR. PUCCIO: 13 would be Bell Savings and 12 would be Provident.

THE COURT: I didn't write down the name of the bank. Yes, Bell Savings & Loan.

So it is 11 and 13 that is reversed.

We have them all mixed up then. 11 is Bell -- no, 13 is Bell. You said 12 is Provident -- not it is worse than that.

11 is Bell. I didn't write down the name for 13.

And you say now 12 is Provident. And it leaves Trevose?

MR. PUCCIO: Right.

THE COURT: Which must be No. 13.

MR. PUCCIO: I'll just verify it, Judge.

MR. BEN-VENISTE: May I examine the proferred exhibit?

THE COURT: Yes. This is the one the witness has.

MR. PUCCIO: Yes, Judge, 13 is Trevose.

THE COURT: All right.

That straightens me out and I guess everyone else is clear.

11 is Bell. 12 is Provident and 13 is Trevose.

MR. DUFFY: It may not be important, but down our way that first Tis a long one and it's Trevose.

THE COURT: Trevose?

MR. DUFFY: Yes.

THE COURT: It sounds like an upstate pronunciation.

MR. DUFFY: The Philadelphia reporters are here.

MR. BEN-VENISTE: May I ask a question on voir dire?

THE COURT: It is not offered.

MR. PUCCIO: Yes, I am.

THE COURT: Yes, you may ask.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q On this card your name appears, your father's name appears and there is another name which appears as well?

A Yes.

It is Arthur Criden, my younger brother.

MR. BEN-VENISTE: I have no objection, Judge.

THE COURT: All right.

Exhibit 12 is received in evidence.

That is one card, Mr. Puccio?

MR. PUCCIO: Yes.

I also have an access slip dated the 24th, Judge, which I would offer, but in the absence of a-- this is a record that does not bear the witness signature, but it is part of the Provident record if there is a stipulation.

MR. BEN-VENISTE: No.

MR. PUCCIO: I will call someone from the bank for that.

MR. PUCCIO: Judge, may Iapproach the witness?

THE COURT: Yes.

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BY MR. PUCCIO: (continued)

Q Now, I show you your grand jury testimony, page 35, and I ask you to look at that page and tell us if it refreshes your recollection concerning the amount of money Mr. Johanson gave you on August 22nd, gave you to hold.

A As I said I saw the $100 on the outside. I don't recall seeing any more.

Q But it was a large sum of money, is that right?

A It was a good deal folded over in two.

Q And you saw at least one $100 bill?

A I said a 50 or a 100.

Now I see maybe it must have been a $100 bill.

MR. PUCCIO: I have no other questions.

THE COURT: Mr. Duffy?

MR. DUFFY: Your Honor, I will defer to the lad's father's lawyer.

THE COURT: All right, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, sir.

CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q Michael, you are 20 years old, are you not?

A Yes.

Q And you interrupted your college studies when the publicity in this case broke, did you not?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Well, how far in college have you gotten?

A I had completed over twr and a half years.

Q At what college?

A Temple University.

Q And do you have any brothers or sisters?

A I have a younger brother, Arthur.

Q How old is Arthur?

A He is eighteen.

Q And did you have an older brother --

MR. PUOCIO: I object.

THE COURT: You object to the next question?

MR. PUCCIO: Yes.

THE COURT: You are way ahead of me. I have to hear it first.

Q The question is, did you have an older brother?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q On August 22nd you testified that your

father asked you to come with him to New York.

What was the reason for that as he explained it to you?

A He didn't explain it to me. My father is not very well. He has diabetes.

MR. PUCCIO: I object to this, your Honor.

MR. BEN-VENISTE: Your Honor, the --

THE COURT: Overruled.

MR. BEN-VENISTE: Thank you, sir.

Q All right.

A He has diabetes and blooc pressure, high blood pressure.

He can't drive long periods himself, from lack of sugar he gets sleepy. So whenever he has to take a long drive I always go with him. When he asks me I go.

Q There was no other purpose for your going except to help drive the car and to make sure that your father got there safety and back safely?

A That's correct.

Q Did you father ever mention to you anything about an Arab sheik?

A Yes, he did.

Q Or an Arab business man or some Arab in connection with a hotel project?

A Yes, he did.

Q Would you tell the ladies and gentlemen, please, what your dad told you about it?

A He told me that there was an Arab who was incredibly wealthy and that money meant nothing to this man and that he would possibly finance and buy the hotel and casino that my father was working on.

And he was very excited. It would be like a dream come true for my family because it would make everything possible for my brother and myself to finish our education.

I wanted to go to law school and my brother had just been starting school and he wants to go to graduate school also.

And it was just a very excited time and he was very excited about it.

And that's all he really told me about it.

Q Now, you testified about what you saw in your presence, sums of money and meetings and you indicated that you had testified in the grand jury as well?

A Yes.

Q And had you told this jury the truth to the best of your knowledge?

A Yes, I have.

Q And did your father tell you to do anything other than to tell the truth here in this courtroom?

A No.

He told me to tell the truth, and that the truth would be the best thing and it would prove his innocence.

MR. BEN-VENISTE: I have nothing further.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No.

THE COURT: Mr. Brown?

MR. BROWN: No.

THE COURT: Mr. Duffy?

MR. DUFFY: I don't dare. One minute after four.

THE COURT: Any redirect?

MR. PUCCIO: No, your Honor.

THE COURT: Thank you, Mr. Criden, step down. That's reasonable timing.

We will recess for the weekend, ladies and gentlemen.

* * *

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UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of	)	
	)	Investigation Pursuant to H. Res. 608
Representative	)	
	)	
MICHAEL O. MYERS	)	

Appendix to Special Counsel's Preliminary Inquiry Report

Volume II

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Special Counsel
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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------X

UNITED STATES OF AMERICA,

-against-

80 CR 00249

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------X

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 18, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

A P P E A R A N C E S :

EDWARD R. KORMAN, ESQ.,
United States Attorney for the
Eastern District of New York

Department of Justice
Strike Force
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Very good, you may proceed, Mr. Puccio.

Call your next witness.

MR. PUCCIO: We call Melvin Weinberg to the stand.

(Continued on next page.)

M E L V I N W E I N B E R G, a witness called herein, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: State your name for the record, and spell your last name.

THE WITNESS: Melvin Weinberg, W-e-i-n-b-e-r-g.

THE CLERK: You may be seated.

MR. PUCCIO: May I proceed, Judge?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Weinberg, how old are you?

A 55.

Q Have you ever been convicted of a crime, sir?

A Yes.

Q When?

A 1977, I think it was.

Q Where?

A Pittsburgh, Pennsylvania.

Q In the Federal Court?

A Yes.

Q What was the charge?

A Mail fraud and wire fraud.

Q Now, Mr. Weinberg, what was your original

sentence in connection with that charge?

A Three years probation.

Q Prior to receiving three years probation, had you received a three-year jail term?

A Yes.

Q You didn't serve that jail term?

A No.

Q Would it be fair to say --

MR. BEN-VENISTE: I object to the question. I will object to the leading nature of this question when Mr. Puccio finishes.

THE COURT: Proceed.

Q Did anyone intercede on your behalf with the Federal Court in Pittsburgh?

A Yes.

Q Who?

A The FBI.

Q Had you prior to the FBI intervention agreed to cooperate?

A I had.

Q Now, during the year 1978, and -- years 1978, '79, and '80, were you working with the FBI?

A I was.

Q Were you paid for your services?

A I started receiving a salary in 1978.

Q Was that on a monthly basis?

A Yes.

Q How much starting in '78 were you receiving?

A $1,000 a month.

Q Was this for your activities in connection with the so-called ABSCAM investigation?

A That is correct.

Q Did there come a time when you started to receive additional monies per month?

A Yes, in 1979, in March, I started receiving $3,000 a month.

Q Was your monthly salary ever raised after that?

A In 1979, I think November, I got extra money.

Q In addition to this salary, did you receive any expense money from the FBI?

A Yes. Whatever expense I laid out I got reimbursed.

Q Now, Mr. Weinberg, do you know the defendant Angelo Errichetti, the mayor of Camden, New Jersey?

A Yes.

Q Do you see him in the courtroom?

A Yes.

Q Would you point him out, please?

MR. BROWN: No question of the identification.

MR. PUCCIO: Thank you, Mr. Brown.

Q Do you recall when for the first time you met the defendant Angelo Errichetti?

A Around November of 1978.

Q Do you recall where this meeting occurred?

A At Abdul Enterprises on Vets Highway.

Q Where?

A Holbrook.

Q In Long Island?

A Yes.

Q That was the office of Abdul Enterprises?

A That is correct.

Q Did you have occasion to see Mayor Errichetti after that occasion?

A Yes.

Q I direct your attention specifically to July 26, 1979. On that date, did you have occasion to meet with Mr. Errichetti and others in a boat in Fort Lauderdale, Florida?

A That is correct.

Q Now, did you have occasion to speak with Mayor Errichetti on the telephone later that day?

MR. BROWN: I object. It's leading in a

critical area, your Honor.

THE COURT: Rephrase the question, please.

Q After the meeting on the boat, did you have occasion to speak with Mayor Errichetti by telephone?

A I did.

Q As best you can recall, what time of day was that?

A Late in the evening.

Q Was this telephone call recorded?

A No, it wasn't.

Q As best you can recall, can you tell us what you said and what Mayor Errichetti said during this conversation?

A I spoke to him. He called the hotel room and said the meeting went very well, they were very satisfied, and he could do something about the immigration problem.

Q Did you have occasion to speak with Mayor Errichetti approximately three days later, on the 29th of July?

A That is correct.

Q Was this conversation by telephone?

A That is correct.

Q Do you recall where you were, sir, at the time

the call took place?

A The best of my recollection, I think I was in Florida at the time.

Q Do you recall where Mr. Errichetti was?

A In his office, most likely.

Q Did you have occasion to record this telephone conversation?

A Yes, I did.

Q What type of recording equipment did you use?

A I used Lanier.

Q Lanier, L-a-n-i-e-r?

A I think that is correct.

Q Was there any device attached to this to enable you to --

A The thing you put over the earpiece of the phone.

MR. PUCCIO: Your Honor, may I approach the witness with three exhibits, sir?

THE COURT: Yes.

(Pause.)

Q First, with respect to the envelope marked as Exhibit 19-B -- by the way, after you made this recording of this phone call on July 29th, what did you do with the cassette?

A The cassette, I would mark it and put it on the side.

Q Ultimately, would that be turned over to anyone in the FBI?

A Yes. He would pick it up or I would deliver it to him.

MR. BEN-VENISTE: I object to the form of the question as put in a hypothetical, what would you have done with that exhibit.

THE COURT: Rephrase the question.

Q What did you do with that exhibit, do you recall?

A I would mark the exhibit, the time, who I spoke to, and where the call was made from. And I would put it on the side of the telephone until I delivered then to the FBI or they were picked up.

Q Would you look at 19-B.

A Yes.

Q Would you tell us what that is?

A This is an envelope.

Q Open it, please, and take a look.

A A cassette tape.

Q Is that a cassette tape you made ont he 29th of July?

A No. It is not.

* * *

Q Let me show you this tape and ask you to look at the handwriting and see if it refreshes your recollection.

I direct your attention to this writing, three lines on top.

(Pause while witness examines cassette.)

A It is my writing all right.

Q Does that refresh your recollection as to whether or not that is a tape of a telephone call made on

July 29, 1979, between you and Mr. Errichetti?

MR. BEN-VENISTE: I object to the form of the question. The witness did not say he could not recall if that was a cassette, he said it was not the cassette.

Therefore, his recollection does not need to be refreshed.

THE COURT: Overruled, you may answer the question.

A The writing is mine. There is a telephone recording I made. What threw me off, the cassette ain't the type I was using at the time.

Q Well --

THE COURT: What type were you using? You said a Lanier machine was used --

THE WITNESS: Most of them were like this here (indicating).

THE COURT: I don't --

THE WITNESS: Maxell tapes --

THE COURT: You are referring to the brand?

THE WITNESS: There is a possibility I ran out and we got hold of this.

MR. BROWN: I object and ask it be stricken.

THE COURT: Overruled.

Proceed, Mr. Puccio.

Q Now that you looked at it and have had an opportunity to look at it, can you tell us whether that is the cassette that you made on the 29th?

A It is my writing, it has to be the one I made one I made on the 29th.

MR. BROWN: I object and ask that it be stricken. That is not responsive to Mr. Puccio's question.

MR. PUCCIO: Overruled.

Q Recently, did you have occasion to be present when a copy was made of an excerpt of that tape?

A Yes.

Q That is with Mr. Leonard, seated to my left?

A Yes.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I direct your attention to Exhibit 19 and ask you if that is an excerpt that was made from Exhibit 19-B.

A That is an excerpt, yes.

Q Take a look at Exhibit 19-A.

A Yes.

Q Do you see it?

A Yes.

Q What is that?

A That is the transcript from the tape.

Q Did you have occasion to listen to the tape?

A Yes.

Q That is 19. Did you have occasion to compare it with 19-A?

A Yes, I did.

Q Is that an accurate transcript of the excerpt?

A To the best of my ability it was accurate.

MR. PUCCIO: Your Honor, I offer transcript 19-A and the excerpt 19 into evidence.

MR. BROWN: My objection is based upon two grounds. First, we ask for a voir dire as to how it was made and what circumstances. Secondly, as to the offer I believe it is extracted, and we object to the extracted version.

THE COURT: I am not sure what you are saying.

MR. BROWN: We have been given a redaction, and we ask the Court to consider whether or not in fact that redaction gives a comprehension version with respect to the events and ask your Honor to permit -- out of the presence of the jury -- to consider that matter.

THE COURT: That request is denied.

You think there is more to be taken from the original from which the redaction was made, the excerpt was made? You may offer whatever other portions of the tape you feel are pertinent here. But you may have a voir dire.

MR. BROWN: May I voir dire as to that redaction?

THE COURT: Certainly.

(Continued on next page.)

MR. PUCCIO: Your Honor --

THE COURT: Are there objections?

MR. DUFFY: It might be better if Mr. Ben-Veniste voir dired first on authenticity, et cetera.

MR. BROWN: I defer, with your permission.

THE COURT: Yes.

A JUROR: I would like the witness to speak up.

THE COURT: Mr. Weinberg, it's necessary that we all hear you.

MR. BEN-VENISTE: May I, your Honor?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, let's look at Exhibit 19-B first.

Do you see any of your handwriting on 19-B, Mr. Weinberg?

A No.

Q Now, with respect to 19-A, you say it is your handwriting on the cassette itself, is that correct?

A That is correct.

Q Is it all your handwriting, or is there

someone else's?

A On the top it is my writing.

Q On the bottom?

A I don't know who is on the bottom.

Q Do you remember when you bought this cassette or someone gave it to you?

A The government gave me those cassettes.

Q You think the government gave you a different kind of cassette?

A Most of the cassettes I had was this in the beginning (indicating).

Q I am sorry. Maybe I should ask the question from back here.

A What threw me off was the box the cassette was in.

Q The box is different?

A Yes.

Q But, I thought you said that you were using Maxell which is a brand name?

A Some of the brands were Maxell.

Q This is called Audio Set?

A That is correct. Either I bought that myself or a tape somebody gave me was different.

Q You think somebody may have given you some

different tapes other than Maxell?

A Yes.

Q You mean someone from the FBI or someone else?

A The FBI.

Q The FBI is the only one who provided you with tapes?

A Provided me with the tapes plus what I bought.

Q At the time that you made this tape, sir, you had a Lanier tape recorder and it has an earpiece that fits over the telephone receiver?

A That is correct.

Q That earpiece is plugged into the Lanier recorder?

A That is correct.

MR. BEN-VENISTE: Do we have one of those here?

MR. PUCCIO: It was turned over to counsel, your Honor, at their request.

THE COURT: Mr. Ben-Veniste, if you need -- if you need --

MR. BEN-VENISTE: I'm sorry, I'm in no man's land. I'm sorry, your Honor.

(Pause.)

Q In the Lanier recorder, for the jury, maybe

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we can get one at lunchtime.

It has a series of buttons in the front and "record" is one of them?

A Yes.

Q You had to depress the record button with another button to get record?

A There was a button the bottom.

Q I'm sorry?

A I think there is a button on the bottom that you can stop it.

Q Record button?

A Record, forward, reverse, and stop.

Q In order to record, do you have to push one button or --

A I think it's one button, to the best of my recollection.

Q One only?

A Yes.

Q You used that machine for how long?

A About a year.

Q How long had you had that particular machine in your possession prior to the 29th of July?

A I got the machine around April, March or April.

Q You kept it down in Florida?

A I kept it with me.

Q When you travelled you took it with you?

A That is correct.

Q Who gave you the machine?

A I bought the machine.

Q You bought it yourself?

A That is correct.

Q Where did you buy it?

A From the Lanier people.

Q In a store or what?

A The salesmen came around. They sell it to you.

Q House to house?

A No, he came down to the yacht.

Q Someone came on the yacht and sold you a tape recorder?

A Yes.

Q When was that?

A Around March or April.

Q You say the FBI didn't give you any tape recorder, you bought it?

A This one I bought myself.

Q How long did you have that tape recorder?

A I still have it. You have it right now.

Q The expert has it.

When you say you, you know an expert is looking at some of these tapes, is that correct?

A That is correct.

Q Indeed, you talked with an expert from the FBI, haven't you?

A I spoke to the fellow from the FBI who asked me something about it.

Q He asked you some questions concerning things either on the tapes or not on the tapes?

MR. PUCCIO: I object to this as not proper voir dire.

THE COURT: Confine the voir dire to the two offered exhibits.

MR. BEN-VENISTE: Yes.

Q When you say the transcript was -- may I approach the witness?

THE COURT: Yes.

Q The transcript which is marked as Exhibit 19-A actually sets forth the excerpt, your not suggesting to the Court or to the jury, are you, that it reflects the whole conversation you made with Mayor Errichetti on that occasion, are you?

A That is not the whole conversation.

Q Indeed, there is a portion missing from the beginning of the conversation, isn't there, sir?

A You are talking about when the tape first started?

Q When you delivered this tape, Exhibit 19-A -- I'm sorry, 19-B -- you don't hear the whole conversation --

MR. PUCCIO: Excuse me, may I interrupt?

Can you move over?

MR. BEN-VENISTE: I better move back. It's dangerous here, there is a wire here, Mr. Puccio.

(Pause.)

Q When you listened to this tape recording, Mr. Weinberg, you don't hear, nor does anyone else, the whole conversation that you had with Mr. Errichetti on the 29th of July, do you?

A There is about 15 seconds missing because I wouldn't put the machine on until he got on the phone.

Q There is 15 seconds missing, you could be sure of that?

A From the time he got on, the run in the tape that is missing. From the tape -- putting the tape on until the time you start recording, that is missing.

Q You are saying there is a lag of about 15 seconds from the time you push the record button and the time

the machine starts recording?

A Yes.

Q That is what you are saying?

A Yes.

Q You are saying that is all that is missing?

A That is all.

Q Is it a fact you were given instructions to record the whole conversation?

A I was.

Q Would you place this call or did you receive it from Mr. Errichetti?

A Let me see the tape.

Q Do you recall?

A I think I placed that call.

Q You knew you were going to record it right from the very beginning of the conversation?

A That is correct.

Q It was your intention to record it when you placed the call?

A One of the problems --

Q Is that correct?

A You want to repeat the question?

Q It was your intention to record the conversation when you placed the call, is that correct?

A That is correct.

Q Even before you placed the call, you said: I am now going to call Mayor Errichetti and I am going to tape him?

A I don't know if I said that to myself.

Q You thought it to yourself, there was no FBI agent present at the time you made this?

A No, there was no FBI agent present.

Q You were under instructions at this time to record the entire conversation of any tape recording that you made, is that correct?

MR. PUCCIO: That has been asked and answered.

THE COURT: Sustained.

Q You were told also that you were to put one cassette -- strike that.

You were instructed to put one conversation per cassette; do you understand what I am asking?

A That is correct, I understand.

Q You were to take a separate cassette, put it in the machine every time you wanted to record a conversation, is that correct?

A That is correct.

Q After you recorded the conversation, you were

to remove that cassette, right, and put it aside?

A That is correct.

Q May I approach the witness, your Honor?

THE COURT: Yes.

Q Showing you again Exhibit 19-A, it's true, is it not, that that cassette runs for 90 minutes?

A That is correct.

Q Per side?

A No, I think it is for both sides.

Q 45 minutes for each side?

A Yes.

Q You knew when you made the recording you would have plenty of tape to record the whole telephone conversation, is that correct?

A That is correct.

Q But you did not press the record button on the tape recorder, you say, until Mayor Errichetti actually got on the phone, is that correct?

A That is correct.

Q You also say that you knew prior to that day that when there was some kind of a lag you say between the time you pressed the recording button and the time you would actually start recording something, 15 seconds I think you said?

A That is about the time, 15 seconds lapse in between.

If you take the minutes, you find that is all that is missing.

MR. BEN-VENISTE: I think we may do that.

Q With respect to when you turned over this tape to anybody at the FBI, do you recall seeing anyone from the FBI at around this time, the 29th?

A I don't remember.

I can't remember that.

MR. BEN-VENISTE: May I have a moment, your Honor?

THE COURT: Yes.

(Pause.)

MR. DUFFY: May we have a moment, your Honor?

THE COURT: Yes.

(Pause while counsel confer.)

MR. BEN-VENISTE: I would like to see 1234 and 1235 if I may? 1214. 3500-1214.

MR. PUCCIO: The numbers don't go that high.

MR. BEN-VENISTE: Number 90.

MR. PUCCIO: Judge, I request we deal with one at a time.

MR. GOOD: We don't have the originals

available, they are in the safe.

MR. BEN-VENISTE: Your Honor, may we approach side bar?

THE COURT: Side bar.

(Continued on next page.)

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MR. BEN-VENISTE: What warranted it to be sealed?

MR. PUCCIO: I --

MR. BROWN: I don't think counsel asked for it at that time, I have no objection.

MR. PUCCIO: I have no objection.

MR. CACHERIS: I have no objection.

MR. BEN-VENISTE: There may be information relevant to --

MR. BROWN: We ask it be restricted to counsel though.

THE COURT: I will say that.

MR. PUCCIO: He may sit here for another hour.

THE COURT: Let's proceed.

(The following takes place in open court.)

MR. BEN-VENISTE: Would your Honor give that advice to the jury that we requested?

THE COURT: Yes.

Ladies and gentlemen, I explained to you essentially what a voir dire is. It's kind of a preliminary cross examination focusing on an item before it is admitted.

Sometimes it happens that that kind of an

inquiry just by its nature gets wrapped up with other things that can be corresponded to a full cross examination.

After discussing the matter with counsel, we have agreed that with this particular problem, there are a number of questions that apparently defense counsel wish to explore about the original cassette, Exhibit 19-B, and the excerpt, Exhibit 19, and it may require protracted cross examination and counsel have agreed they will defer that aspect of the voir dire until the cross examination.

You are not to assume from the fact that they are not going into at this point that they are not going to raise those questions later.

So we are going to proceed. I think Mr. Ben-Veniste has a few more questions on the voir dire and then we will proceed with the direct examination.

But we will get back to the question at a later time, perhaps on the authenticity of Exhibits 19 and 19-B.

All right, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

VOIR DIRE EXAMINATION BY

MR. BEN-VENISTE: (Continuing)

Q Do you remember when you turned this cassette over to an FBI agent or showed it for the first time?

A No, I don't remember.

Q Do you remember the circumstances in July of 1979 after you had this meeting on the boat?

A I don't follow.

Q You were with Mr. DeVito on the boat, is that correct?

A Yes.

Q They left, did they?

A What do you mean? Left the boat?

Q Florida, and you stayed?

A Mr. DeVito was in Florida.

Q When did you see Mr. DeVito for the next time after the boat?

A Most likely when we went back up north again.

Q When was that?

A I have to look up -- I don't know where I was then.

Q The next time you travelled from Florida you went with Mr. DeVito?

A I met him up north. I met him up north.

Q When did you see him for the next time in Florida?

A I don't remember when.

Q You have no recollection?

A No.

Q Okay.

Is it fair to say, Mr. Weinberg, it's your testimony to this jury that you tried, you tried to get the whole conversation on the tape?

A I tried to get the whole conversation on the tape.

MR. BEN-VENISTE: Nothing further at this time, your Honor.

THE COURT: All right.

MR. PUCCIO: May the exhibits that were offered be received and played to the jury?

THE COURT: 19 and 19-A are received in evidence.

MR. PUCCIO: I am referring to 19-B.

MR. BEN-VENISTE: We have our objections with respect to reliability and authenticity?

THE COURT: Yes. They are of course subject to motions to strike.

MR. BEN-VENISTE: Thank you.

MR. PUCCIO: May we circulate Exhibit 19-A to the jury and the Court?

THE COURT: Yes.

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(Tape played.)

Date: July 29, 1979

Time: 12:13 P.M. (Approximate)

Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

MW: Beautiful, what's his name?

AE: Myers

MW: Myers?

AE: Congressman Myers

MW: Beautiful

AE: He's from Philadelphia.

MW: Alright. When we meet up there, we'll go the . . . over that, alright?

AE: Well, there's a couple of other ones, too.

MW: Who else?

AE: Well, there's . . . there's a possibility . . . I . . . chatted with him just briefly on it and I have to meet with, you know, personally

MW: Who's that?

AE: Congressman Lederer

MW: Congressman Leder?

AE: Lederer . . . L-E-D-E-R . . . let's see L-E-D-R . . . Lederer

MW: Alrighty

AE: He's also from . . . ah . . . Pennsylvania

MW: O.K.

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AE: There's a possibility, like, there might be two from Florida.

MW: Yeah, which ones are them?

AE: Ah, they're checking them out.

MW: Oh

AE: They . . . they're checking them out for me (laughs)

MW: O.K. Beautiful.

AE: Now, ah, I've also has the potential for the Department of Naturalization . . . one of the officials.

MW: Alright

AE: For the green card.

MW: Right

AE: And he said . . . an . . . I said to him what about . . . ah . . . guaranteeing this . . . my, my friend the shiek . . . (IA) . . . needs one.

MW: Right

AE: O.K.

MW: Beautiful

AE: There can be two things there.

MW: O.K.

AE: Alright

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AE: When you coming up?

MW: Well, we'll be up, if you get us by set by, say sixth, we'll come up that weekend, next weekend.

AE: For . . . ah . . . a couple of those things.

MW: Yeah, and we'll take care of everything at one time. We'll be up there for a couple of weeks then

AE: O.K. How many can you handle?

MW: As many as you can give me.

AE: O.K.

MW: Alright.

AE: Right

MW: As many as you can give me, I can handle.

AE: O.K.

MW: Cause that's number one priority with him.

AE: Well

MW: Specially after they came out with that Samoza thing.

AE: Well. There's a couple of Congressmen, I think we can work these things . . . at least, ah . . . may . . . could be five or six of them.

MW: Beautiful

AE: Alright?

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MW: Alright. Now, you know what I meant to ask you something else I forgot . . . I wanted to ask you, it's no lie. I forgot what the hell it was now. Ah . . . oh, alright, you see if you get 'em set up for that date, alright. Around the sixth or seventh.

AE: I'll try to get everything set up.

MW: And then that means we'll come up.

AE: (IA) Well do everything.

MW: And we'll come up next weekend, maybe we'll come down and stay down in Atlantic City, me and Tony, and go over everything.

AE: Alright.

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DIRECT EXAMINATION

BY MR. PUCCIO: (Continuing)

Q Mr. Weinberg, on the very next day, did you have another telephone conversation with Mayor Errichetti?

A That is correct.

MR. PUCCIO: May I approach the witness, your Honor?

THE COURT: Yes.

(Pause.)

Q Was this conversation, July 30th, 1979, recorded by you?

A That is correct.

Q What means did you use to record the telephone conversation?

A Lanier tape recorder.

Q I direct your attention to Government's Exhibits 20, 20-A and 20-B. First with respect to an envelope which is marked 20-B.

A That is correct.

Q Will you open that up, please?

A Yes.

Q Will you examine that cassette, please?

A Yes.

Q Have you examined it?

A Yes.

Q Is that the cassette that you made of that conversation?

A That is the cassette I made of the conversation.

Q It bears your handwriting?

A Yes.

Q With respect to Exhibit 20, will you find that, please?

A Yes.

Q Do you recognize that?

A Yes, that is the one made part of the conversation.

Q That is the one you made with Mr. Leonard recently?

A Yes.

Q It only contains a portion of the overall conversation?

A Yes.

Q Will you look at the book in front of you.

A Yes.

Q The Exhibit under tab 20-A. Will you tell us what that is?

A Transcript of the conversation.

Q Did you compare this transcript with the excerpt, which is Exhibit 20?

A Yes.

Q To the best of your ability is it an accurate transcript?

A Yes.

MR. PUCCIO: Your Honor, I offer Exhibit 20, the excerpt of the conversation and the transcript, Exhibit 20-A, into evidence.

MR. BROWN: Continuing objection subject to the other ruling, your Honor.

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THE COURT: Mr. Ben-Veniste, you may proceed if you want a voir dire.

MR. BEN-VENISTE: Yes, sir.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q I show you Exhibit 20-B, Mr. Weinberg.

Is that all your handwriting on there?

A That is correct.

Q Look at the other side too.

A Yes. That is my handwriting.

Q On that one, there is no indication of when you turned it over to an FBI agent as there was before?

A I don't follow.

Q There is no FBI little writing to show that he received it, is that what you are saying?

A Right.

Q Do you happen to remember when you gave this to the FBI?

A No, I don't remember.

THE COURT: Mr. Ben-Veniste, your questions that you put to the witness relate to the cassette itself?

MR. BEN-VENISTE: To the original, yes.

THE COURT: 20-B I think is the envelope and the cassette.

MR. BEN-VENISTE: Yes.

THE COURT: I assume there is writing on the envelope not in the witness' handwriting?

MR. BEN-VENISTE: Yes. I was directing myself to what appears on the cassette itself.

THE COURT: I am sure everyone in the courtroom understood but the record might not have been crystal clear.

(Continued on next page.)

Q May I ask you, Mr. Weinberg, whether you participated in all these -- the marking of the actual transcripts, that is the writing out of what was said on the tape?

A I did not write it out. I did check it after it was typed up that it was correct.

Q Did you work with some FBI agents in doing this?

A Yes, I worked with other agents.

Q Agent Amoroso?

A A few of them, I don't remember who I was working with.

Q Mr. Puccio -- did you go over it with Mr. Puccio?

A Mr. Puccio?

Q Yes.

A No. Not offhand.

Q Just another FBI agent?

A Right.

Q Do you know who actually made up the draft transcripts?

A No.

Q But they were presented to you in draft and you made some changes on them and they got typed up?

A No, they were corrected by other agents and I listened to them.

Q If you had a correction you would tell them?

A Yes.

Q That got incorporated?

A What is that?

Q That would get incorporated into the final version?

A That's correct.

MR. BEN-VENISTE: Nothing further at this time, your Honor.

THE COURT: All right. 20 and 20-A are received in evidence, as previously indicated.

Ready to proceed, Mr. Puccio?

MR. PUCCIO: Yes.

THE COURT: You may play the tape.

(Tape played.)

Date: July 30, 1979

Time: 4:25 P.M. (Approximate)

Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

AE: How's by you

MW: Okay

AE: I've got Mr. Criden sitting here

MW: Oh, yeah [like he -- see page 1951, infra]

AE: Howard just came in to say hello and Mikee says have you heard from Mel and I say "Ain't that a bitch" (IA) on the phone with Mel (laughs)

* * *

AE: Alright, now, one more thing.

MW: Go ahead, right

AE: When shall I schedule those people that we talked about?

MW: Ah . . . . schedule that . . . ah . . . that week . . . ah . . . the following week, alright?

AE: (IA) week

MW: Yeah, can, give me a week's time to raise, you know, to get the cash out

AE: (IA)

MW: Alright?

AE: Where, where you want to meet him, in New York?

MW: Ah . . . I'll have to let you know. Maybe we'll meet him in the office or what. We gotta take one at a shot.

AE: I understand

MW: Alrighty?

AE: Alright.

* * *

AE: (IA). You'll be up here after I call up, either seventh or eighth

MW: Oh . . . I'll be up on the sixth

AE: Okay

MW: I'll probably come up Sunday night

AE: Alright

MW: Alright

AE: Okay, bubby

MW: And you schedule the meetings between the sixth and seventh. Fact, we may even come down to Cherry Hill and stay there a couple of days so we can be close by and go over everything with you

AE: So you don't want any people there in Cherry Hill?

MW: Ah . . . no

AE: Gotta be in New York

MW: Well, yeah, be prefereble in New York there. But, you know, I don't want to walk around with all that cash

AE: I understand

MW: You know what I mean?

AE: Alright

MW: And . . . ah . . . well, there was something else I wanted to tell you. And . . . ya . . . you find about the guys in Florida?

AE: What guys?

MW: The two s . . . Congressmen

AE: Well, I don't have their names, but they're they're available

MW: Ah . . . alright . . . you get me their names?

AE: They're being worked on, yeah

MW: Okay

AE: Okay

MW: Okie doke, babe

AE: Alright, bubby

MW: Take care

AE: I'll talk to you

MW. Bye bye.

(End of Conversation)

DIRECT EXAMINATION

BY MR. PUCCIO (Continuing):

Q Mr. Weinberg, did you speak with Mayor Errichetti on the next day, July 31, 1979?

A That is correct.

MR. PUCCIO: May I approach the witness,sir?

THE COURT: Yes.

(Pause.)

Q Was this a telephone conversation?

A That is correct.

Q Did you have occasion to record this conversation in the same manner?

A Yes, I did.

Q I show you, you have in front of you Exhibit 21-B. Will you examine that, please?

A Yes.

Q Would you tell us what that is?

A A cassette that I made a recording of from Florida to Mayor Errichetti's office.

Q On what day?

A July 31, 1979.

Q Now, will you examine Exhibit 21, please?

A Yes.

Q Can you identify that?

A A cassette that was made as part of the conversation.

Q Turn to tab 21-A in the book in front of you and tell us what that is.

A A transcript of the conversation put on the cassette.

Q Put on 21?

A Exhibit 21.

Q Which is the excerpt?

A Yes.

Q Is that transcript an accurate transcript of what was on the excerpted cassette?

A To the best of my ability it was correct.

MR. PUCCIO: Judge, I offer 21-A and 21 in evidence at this time.

THE COURT: The same objection, I assume. The same ruling.

Do you have a voir dire, Mr. Ben-Veniste?

* * *

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, have you reviewed both of the conversations you had with Mayor Errichetti on the 31st?

A I read both transcripts.

Q Did you listen to the tape also?

A I think I did.

Q Mr. Puccio asked you a moment ago if you listened to the tapes and compared the transcripts and you seemed certain that you had.

A You're asking me about other transcripts, both of them.

Q Did you?

A I assume I listened to the other one.

Q One of the conversations doesn't start at the very beginning, is that correct?

A It is the same thing, I put it on when he got on the phone.

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Q The same explanation? There was a lag between the time you pushed the button of some 15 seconds?

A That is correct.

Q Do you recall having testified on some other occasion it was 30 seconds?

A I may have said 30.

Q On one of the conversations on the 31st, there is a gap in the tape, is there not, a time when you stop recording and the machine starts up?

A The machine fell off the table.

Q You remember that happened that day?

A Yes.

Q By explanation, you mean to tell this jury when it fell off the table it starts recording by reason of the fact it fell off the table?

A That is what your expert said.

Q I don't think you really know what our expert said unless you talked to him.

A I haven't spoken to him. I heard that.

Q The jury will have an opportunity to listen.

I am asking you, what you're telling the jury, on that day when your tape recorder fell on the floor, that stopped it from recording?

A For about two seconds.

Q Two seconds?

A Yes.

Q In other words, on that day, when it stopped for two seconds, you didn't push the record down again, is that what you're saying? It just got bumped but didn't stop?

A I didn't say that.

Q You tell the jury what you understand happened on the 31st when the machine fell off the table?

A The recorder fell off the table. I picked it up and put it back on.

Q You picked the recorder up and put the recorder back on the table?

A No, I put it back that it was working.

Q Does that mean that you pushed the record button in because it popped out?

A You don't have to put it in, you push it up to record.

Q I am not sure I understand you, sir.

There is a button you push --

A You don't have to push the button.

Q You are saying you had to press some kind of button in the machine after it dropped to get it to work?

A If you put the switch back on to record.

Q You're saying on that day, after the machine fell on the floor, you picked it up and you flipped some kind of a switch to get it back to record; is that correct?

A That is correct.

Q Okay. The portion, so that the jury knows where this happened, is not part of what is being presented at this time?

A I don't know, I haven't read it.

Q I thought you had.

A I don't remember from yesterday to today on it.

Q Okay. Go ahead. Take a look at it and tell the jury if that portion is going to be played to them at this time.

A I don't think it is in there.

Q I say it is not but --

MR. PUCCIO: Judge, I object. The entire tape is here and marked. It will be offered. It could be offered by either side.

THE COURT: Mr. Ben-Veniste was trying to focus on the incident of the tape recorder falling on the floor, and that did not occur during the period we have covered by Exhibit 21 and Exhibit 21-A.

MR. BEN-VENISTE: Yes.

THE COURT: I don't think there is a dispute on that, is there?

MR. PUCCIO: No.

THE COURT: 21 and 21-A received in evidence.

(Exhibits 21 and 21-A received in evidence.)

THE COURT: You may play it to the jury and give them the transcripts.

* * *

Date: July 31, 1979

Time: 5:00 P.M. (Approximate)

Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

MW: What else is doin?

AE: Uh, the same old shit.

MW: Same old shit.

AE: I got those guys, I'm gettin' those guys lined up.

MW: Right.

AE: I got one of 'em definitely.

* * *

AE: All those things are ready for that for . . . .

MW: Everything is ready. No problem.

AE: Everything's ready?

MW: Everything is ready.

AE: Okay. Because I'm reaching out, this guy's reaching out for me. Okay, that's my man?

MW: Yeah.

AE: And he, he's talking to this other guys and he hopes to have two from Florida, one from Georgia, and maybe one from California.

MW: Besides the two from Pennsylvania?

AE: Yeh.

MW: Good. Now what price we using?

AE: One.

MW: One? You think we should cut it down to fifty?

AE: No.

MW: Huh?

AE: They're getting five zero (IA)

MW: Okay.

AE: That there's a, I thought I was explaining to them what the deal was. How it was gonna be done. And they said fine.

MW: All right. I'll take care of that, too.

AE: Okay?

MW: Okay, and I'll get back to you in the half hour. Okie doke.

AE: All right bubby.

MW: Bye bye

AE: I'll talk to you.

(End of Conversation)

* * *

THE COURT: Go ahead, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

If the Court please, I would like to take a moment and ask another question. I think I misspoke myself addressing myself to the wrong transcript on the question of a gap.

THE COURT: You want to clear that up?

MR. BEN-VENISTE: Yes. I take responsibility for not being more precise.

THE COURT: All right, I will let you do it.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE (Continuing):

Q Look at page two of the transcript, Mr. Weinberg, July 31, 1979, 5:00 o'clock p.m.

A Yes.

MR. BEN-VENISTE: May I approach the witness

for this purpose?

THE COURT: Yes.

Q Look at the portion where Mr. Errichetti's initials appear. "They're getting five-zero."

Do you see that, sir?

A I don't see it.

(Pause.)

A I see it.

Q Did you listen to that and hear an interruption in the recording? Is that where the tape recorder fell?

A I don't remember. I know there is an interruption of recording.

Q You listened to it and then -- may I ask the question after the witness listens to the recorder?

THE COURT: You want to know after he hears it what happened at that point when the tape recorder fell on the floor?

MR. BEN-VENISTE: Yes.

THE COURT: Will you keep that in mind?

THE WITNESS: Yes, your Honor.

MR. PUCCIO: May we play it, Judge?

THE COURT: Play it.

(Tape played.)

MR. BEN-VENISTE: May I, your Honor?

THE COURT: To keep orderly procedure, let me ask a question.

Mr. Weinberg, did you listen to that portion of the tape carefully as indicated in the transcript, "They are giving five-zero"?

THE WITNESS: That's where it fell, your Honor.

THE COURT: Having heard that, that is what you recall?

THE WITNESS: That is correct, your Honor.

THE COURT: You may proceed.

DIRECT EXAMINATION

BY MR. PUCCIO (Continuing):

Q On the second page of that transcript, you say, "Good. What price we using?" And Mr. Errichetti says, "One."

You say, "One? You think we should cut it down to 50?"

I ask you what you took one to refer to?

A $100,000.

Q 50 is --

A $50,000.

Q Later on the same day, did you have another

conversation with the Mayor of Damden?

A That is correct.

(Continued on next page.)

Weinberg-direct

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q That was a telephone conversation that was recorded by you?

A Yes.

Q In the same manner?

A Same manner.

Q I show you Exhibits 22-B, 20 and 22 and I ask you to refer to the book in front of you.

A Yes.

Q With respect to 22-B, will you examine it, please?

A This is a recording I made.

Q 22, will you examine that, please?

A Yes.

This is a trial copy that was made.

Q The excerpt?

A Yes.

Q 22-A?

A 22-A is a transcript made from this here recording (indicating).

Q You checked that over for accuracy?

A Yes.

Q The transcript is correct to the best of your

ability?

A Yes.

MR. PUCCIO: We offer 22 and 22-A into evidence at this time.

THE COURT: Same objections?

MR. BEN-VENISTE: May I just see the originals, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: May I approach the witness?

THE COURT: All right.

The same ruling as with respect to the three preceding tapes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Do you know whether this conversation is one that began -- that you began to record at the beginning of the conversation?

A I recorded the same way. I put it on when he got on.

Q Tell the jury, because this is an excerpt they are looking at, the very beginning, was it on tape, does that reflect the whole conversation or --

A To the best of my knowledge, I think you are missing a portion.

Q A portion is missing?

A That is correct.

MR. BEN-VENISTE: Thank you, sir.

THE COURT: All right. You may distribute 22-A to the jury and play 22.

Anyone who does not have a transcript?

One, Juror No. 10.

(Pause.)

THE COURT: All right, you may play Exhibit 22 to the jury.

(Tape played.)

Date: July 31, 1979

Time: 6:00 P.M.

Place: Telephone call from Mel Weinberg (Florida) tc Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

* * *

MW: Yeah. Now one other thing, you got to get me those names of those Congressmen.

AE: Okay, I'll have the names for you.

MW: Okay?

AE: Alright.

MW: Get me all the names and we'll get that and then Monday we'll a . . . in fact we can go right from there probably down to Cherry Hill.

AE: To meet who?

MW: Well, we'll have a meeting with the lawyers down there.

AE: You want tc see the guy there? In Cherry Hill?

MW: Well, how far is Philly from there?

AE: Fifteen minutes.

MW: So, we might as well take Cherry Hill and stay there.

AE: And have, and have him come there?

MW: Yeah.

AE: Instead of going to New York?

MW: Well, if you want him to come to New York, he can come to New York.

AE: No, it's better in Cherry Hill.

MW: And this way we can look at the site and everything. And then we can shoot down to Atlantic and look at the site.

AE: Do anything you want bubby.

MW: Alrighty?

AE: I would make it for Tuesday though.

MW: Alright.

AE: Cause Monday, the Senate's (IA) got me all screwed up in the Senate.

MW: Okay.

AE: Shall I tell that guy to be there, to be there Tuesday.

MW: Tell him to be at Cherry Hill Tuesday.

AE: Okay, you'll have the, you'll have, you'll have the stuff for him?

MW: When you say, what stuff?

AE: The suitcase

MW: No, no you're misunderstanding me now.

AE: I thought you meant that there was Congressmen you wanted there.

MW: No, let me get the, I got . . . I need some t . . . Na. I need some time.

AE: Okay.

MW: The fellows . . .

AE: Who do you want to see, who do you want to see Tuesday?

MW: The fellows who were down on the yacht.

AE: You mean Miler and that bunch?

MW: Yeah.

AE: Oh, positively. I'll set it up.

* * *

DIRECT EXAMINATION

BY MR. PUCCIO: (Continuing)

Q Now, Mr. Weinberg, on August 5th, 1979, did you attend a meeting at Kennedy Airport with Mr. Amoroso, Mayor Errichetti?

A Yes.

Q On the 6th, 7th, 8th of August, 1979, did you attend meetings at Cherry Hill, New Jersey?

A That is correct.

Q With respect to --

MR. BEN-VENISTE: May we have who was present?

Q Do you recall who was present at the meeting in Cherry Hill on the 6th first?

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A On the 6th I think Meiler was there, I think Ernie Haridopolos was there, and I think Criden was there.

Q Mr. Weinberg, do you recall if there was a meeting with Mr. Criden and Mr. Meiler and Mr. Errichetti on the 7th?

MR. BEN-VENISTE: I object to the leading, your Honor.

THE COURT: Overruled.

A I remember that we had a meeting between the 5th, 6th, and 7th down there. Who was at the exact meeting of the 5th, I would have to see the transcript.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q First, with respect to the 6th, will you examine the document which I just gave you?

A Yes.

Q Does that refresh your recollection who you met with on the 6th?

A Yes.

Q Who did you meet?

A Errichetti and Tony DeVito.

Q With respect to the 7th?

A Mr. Criden, I was there, Angelo Errichetti, and Tony DeVito.

Q On the next day, the 8th of August, do you recall who was at the meeting in Cherry Hill?

MR. BROWN: I assume these are transcripts that were introduced?

MR. PUCCIO: Yes.

MR. BROWN: He is showing him --

THE COURT: Yes.

A I was there, Errichetti, and DeVito.

Q Now, may I approach the witness?

THE COURT: Yes.

Q With respect to August 22, 1979, were you at the Travel Lodge International Hotel on that day?

A That is correct.

Q Mr. Weinberg, did you meet with Congressman Myers on that day?

A Yes.

Q With Mayor Errichetti?

A Mayor Errichetti was there.

Q Was Mr. Amoroso present?

A Yes.

Q Do you recall -- where do you recall this meeting taking place at the International Travel Lodge?

A A place in a suite of rooms we had upstairs.

Q Prior to this meeting taking place on the

22nd, did you have occasion to speak with Mayor Errichetti?

A Yes, I was told to go downstairs and tell the Mayor --

MR. DUFFY: Objection to that.

Q Tell us what you did? You spoke to the Mayor prior to the meeting?

A Yes.

Q How long prior to the meeting did you speak with him?

A Ten or fifteen minutes.

Q Tell us what you did?

A I went downstairs and spoke to the Mayor and told him we were only giving him $50,000 instead of $100,000.

Q How long did that conversation take?

A Approximately ten minutes.

Q Prior to this day, had you ever met or spoken with Congressman Michael Myers?

A I never met him before or spoke to him.

Q Since August 22nd, 1979, did you ever speak or meet with Congressman Myers?

A I never met him after that meeting.

* * *

* * *

(The jury thereupon returned to the Courtroom at 3:17 o'clock P.M.)

M E L W E I N B E R G, called as a witness, having previously been duly sworn, resumed the stand and testified further as follows:

THE COURT: All right, we are still on the examination of Mr.Weinberg.

Proceed, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continued)

Q Mr. Weinberg, did you ever have a conversation with Mayor Errichetti concerning someone called the Chief Investigator?

A Yes, I did.

Q And as best you can recall, what was said by you and what was said by Mr. Errichetti concerning this gentleman?

A He said he had a friend who was a Chief Investigator in the Department there and that he could get us a green card for the Arabs.

Q And was this person supposedly in the Immigration Service?

A Yes, that is correct.

Q Was there any mention of any money in connection with this matter?

MR. BROWN: I object, your Honor. It is leading. Can we have the conversation?

THE COURT: Sustained as to form.

Q All right.

As best you can recall tell us what the conversation was?

A The convesation was that $50,000 was to be given to this Chief Investigator who was going to send his boss in, the second in charge, and they were going to split 25 each, or whatever it was.

Q And what was the boss of the Chief Investigator called? Do you remember?

A Mr. Noto.

Q Now, who did you first hear that name from?

A Mr. Errichetti.

Q And did he say Noto, N-o-t-o, or something else?

A Noto or Mopo. The name wasn't pronounced right.

Q Do you remember which way it was pronounced by Mr. Errichetti?

A Not offhand.

Q Did you ever hear the name Nopo?

A Nopo, yes.

Q Did Mayor Errichetti ever call this gentleman Mr.Nopo?

A Yes, that is correct.

Q Now, did you attend a meeting in Washington, D.C. at the Town House on the 19th of September, 1979?

A That is correct.

Q And who was at that meeting, do you recall?

A Mr. Noto was there, Errichetti was there, Mr. DeVito was there and I was there.

Q And prior to that meeting had you seen anything?

A Yes, I had seen a picture of Mr. Noto.

Q And when you say this individual at the meeting on the 19th --

MR. BEN-VENISTE: Can we fix a time, your Honor.

Q When did you see the picture, Mr. Weinberg?

A The day before the meeting.

Q By the way, prior to the meeting had you ever seen photographs before?

A Yes. Everytime a Congressman would come in we would see a picture of him.

Q Before the meeting?

A Before the meeting.

Q Would it be fair to say then that your seeing this picture of Mr. Noto --

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Sustained.

Q Now, when you saw this gentleman on the 19th, was it the same gentleman that you had seen in the picture?

A No, it wasn't.

Q Do you recall anything that was different?

A Well, he as much younger than the picture.

Q Now, after this meeting with Mr. Errichetti and yourself and Mr. Amoroso, and this gentleman who called himself Noto or whatever, was there another meeting that same day?

A Yes. Right after Mr. Noto left we sat down, Mr. Errichetti, myself and DeVito, and we spoke.

Q And as best you can recall, what was said by you and what was said by DeVito, and what was said by

Errichetti?

A Well, we asked him, you know, if the FBI was involved in this; did he say anything out of the way that we could get into trouble --

MR. BEN-VENISTE: I object, your Honor. There is a tape recording of this. I think the best evidence is that and not this witness' characterization.

MR. PUCCIO: Judge, I have no objection.

I offer the tape into evidence.

THE COURT: What Exhibit is this?

MR. PUCCIO: Your Honor, the original has been marked as 23B.

We have a redacted trial copy which is marked as 23.

And we have a transcript which I would like the witness to authenticate which is marked as 23A.

I also have Agent Birch in the Courtroom who made the tape if necessary.

If there is an objection, I will ask to excuse Mr. Weinberg and call Agent Birch to the stand.

THE COURT: It may not be necessary. Let us see if the witness can identify the documents. Perhaps

there won't be any question.

BY MR. PUCCIO:

Q Mr. Weinberg, will you look at Exhibit 23A that has been put in front of you, please?

A Yes.

Q Do you recognize that Exhibit?

A Yes. It is a transcript of the tape.

Q Is that the tape of the meeting that you had with Mr. Errichetti and Mr. DeVito after the gentleman called Noto or Nopo left?

A That is correct.

Q And is that as accurate as you were able to get it?

A Yes, that is correct.

MR. BEN-VENISTE: Just one or two questions.

THE COURT: You are offerring 23 and 23A in evidence?

MR. PUCCIO: That is correct.

THE COURT: All right. Voir Dire.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg,of course you didn't operate the video equipment, did you?

A No, I did not.

Q You had no control over that except to come in or out of the camera range?

A That is correct.

Q But you knew that you were being video taped and you knew that the FBI was going to have immediate control of the video taped material?

A That is correct.

Q In other words, it was not going to come into your control at all as far as you were concerned?

A That is correct.

MR. BEN-VENISTE: We have no objection.

THE COURT: All right.

MR. PUCCIO: May we distribute 23A and play 23?

THE COURT: Yes.

(Articles referred to were received and marked Government's Exhibits 23 and 23A in evidence.)

THE COURT: All right.

MR. PUCCIO: We are ready to begin.

(Tape played.)

(Tape completed playing.)

Date: September 19, 1979

Time: 12:40 P.M

Place: 4407 W Street, N.W.
Washington, D.C.

Participants: ANGELO ERRICHETTI (AE)
MEL WEINBERG (MW)
TONY DE VITO (TD)

INAUDIBLE (IA)

AE: That's a, that's the prerequisite. Huh.

TD: Ya didn't say anything to this guy right that would nail him down?

AE: No I, I don't know, I told you

TD: Oh, no, no what I'm lookin' at now is if ya got two guys that are gonna go against ya

AE: Jackpot you

TD: Yeah

AE: Yeah, I understand. No.

TD: We didn't, we didn't really say anything in here to the guy.

AE: No.

TD: To the guy. So there's no problem as far as what we're, we're talkin' of, but now we gotta protect you

AE: I'm covered

TD: Huh

AE: I'm covered

MW: How the hell can you cover it?

AE: We'll see

TD: Well he's only on

AE: I had

TD: He's only

AE: Only the one coversation that's gotta be mouth to mouth, him and I.

TD: Yeah

AE: OK (pause) and him I'll, confront him with it.

MW: Did your friend introduce ya to him as a

AE: This morning?

MW: Yeah.

AE: All he said, yeah that's that's where I met this morning, then he brought him in. Brought him down. Said this was a, commissioner. I said, fine thank you, I said, he said things arranged? I says as far as I know, I don't really know, I'm sure it is. But that was the conversation, there was nothing of any, no monies discussed, or none of that shit in my presence and the kid didn't say to me do ya have the money for me, you know, he didn't he didn't like bait me.

TD: Hum-hum

AE: This, in front of this guy. But you know seemed awfully awfully perfect. (Laughs)

TD: Yeah maybe it was too perfect, huh?

AE: Well

TD: Alright, the only thing I can see is we, we're we're on safe grounds, as far as the guy's concerned. The only thing that could be a problem

AE: Me and that guy

TD: Is you and that guy, but you say it's just one on one with conversation, your word against his. Unless, unless

AE: The only time I spoke to him

TD: He got, he got you recorded, I don't know.

AE: Well that you never know

MW: I don't think he had anything on him

TD: No, I don't mean this guy, I'm talkin' about Angelo talkin' with his friend. That's the only thing

AE: That's the a, that's the, well that's the only a, a, drawback in conversation, a conversation is not, is not suffice its gotta be conspiracy, with three, three of us gotta be sitting.

MW: And you weren't followed though?

AE: No, I'm positive of that.

MW: Can we get off the subject a second

* * *

TD: Alright

AE: But you have, you have

MW: Our other problem is, no chance of us being grabbed on the way to the airport now is there?

AE: Nothing was said

TD: I don't think so, 'cause we didn't say anything. That's why when

AE: Not here

TD: That's when I come in here and asked him for the card and you know just ah, he seemed too nervous, this guy. He seemed very nervous

AE: Well we talked as you know, we talked outside, just for a few minutes

MW: He was talkin about he came from ah

AE: Peoria, Illinois. He's been there since 1970. A, he's a career guy, he's 42 years old, he's a career bureaucrat, he's gonna be there, he's seen them all come and go. And he is the administrative officer, he says the commissioner's the one who makes speeches, he goes about. He's a Mexican, what is Castile (PH) he name was, Castile?

MW: Mexican guy he said

TD: I don't know

AE: Mexican guy's his boss

TD: Yeah

AE: He's never in the office, he's always out on the street, on the roads whether it be with a Mexican-Americans or whoever, Spanish-Americans

TD: Well, I don't know who he was but Ernie, Ernie spotted now I use Ernie for that a lot and the guy that we were talkin' about, Noto, N-O-T-O is the guy. That's not him, he says.

AE: That's not him

TD: That is not him, now unless this, I don't know that's when, he gave me the sign, I says

AE: Well there's also, there's also

TD: Come in here

AE: I'm thinkin' there's another thing you know, with my guy, OK, who's bullshitting me. Meaning he's got somebody. I'm convinced this guy works there as

TD: Yeah

AE: OK, so, I don't think he's FBI, to be very honest with ya

TD: Yeah

AE: Not when I got done talkin' anyway. I think he may be

MW: I don't know he didn't say nothin out there

AE: One of his, one of his

MW: To say he is isn't FBI

AE: Excuse me

MW: He didn't say nothin' that didn't say he wasn't FBI

AE: I didn't say, I'm not I'm not sitting here saying he is or isn't. I says I gotta believe in my heart that he, I'm just tryin' to analyze it

TD: Yeah

AE: Objectively without, without being emotional. I could think he I'm not gonna crack up because I think he's FBI, I don't give a fuck. OK, I can handle that my way. I gotta believe that he's in the department, but he's not the deputy, as Ernie says, he may be somebody above this guy or in between

TD: Well now he may be a friend or your friends and they're gonna just a

AE: Yeah

TD: You know we'll never know anything else

AE: No. I think that my guy, OK, the chief investigator who is, so-called friend proposed to me that this deputy commissioner's his man and he gets the green cards. OK? And that's what he told me, fine set him up and we can get the things worked out. He may be one of the guys in the office

TD: Yeah

AE: Not at the same level as the deputy, or maybe under or in between or something or he maybe has some strength he can do something okay

TD: I don't know

AE: I don't, I don't know either

TD: We don't take, you know, like if he woulda come to us with the fact that that's who the guy is that he's got

AE: It's different story

TD: You know that makes me feel better and we meet the guy as who is is, tells us

AE: Well I, well I'll find out (IA)

TD: You know, but based on on what

AE: My, my my immediate thoughts are. Okay because he's conning me okay

MW: That's takin' a big chance though

AE: I don't know the guy from a bag of piss, the guy that sat here.

TD: I, I agree, I think ya got one or two situations here

AE: Oh, it's either FBI or it's a con game one or the other

TD: Yeah, I think it's either . . .

AE: (IA)

TD: It's either the, you know, tryin' to

AE: Jackpot me

TD: Make a score, alright on their own

AE: Positively

TD: Or it's that they settin' you up. It's one of the two

AE: Well there's no other, there's nothin' in between

TD: And I hope it's that they're tryin' to set ya up, ya know, jack pot ya for money, ya know, not set ya up. The money's no problem but a

MW: You'll find out soon enough

AE: I'll find out soon enough

TD: Yeah

AE: I personally will find out soon enough

TD: Alright, what time you guys gotta go over there. You gonna leave now

MW: We gotta leave now

AE: Okay

TD: Alright. Why don't you go ahead, I'll call ya, you're gonna be down at the hotel, alright. I gotta see some people here tonight and a I got an afternoon flight so I'll be down there in tha afternoon

AE: Okay

TD: In fact I can give ya, when ya talk to Rusty, I'm gonna, be

AE: It makes ya think

MW: Huh?

AE: Makes ya think

MW: I don't like it

AE: Neither do I. You don't like it, you oughta been me sittin' here

MW: Well, I expect to see some cars comin' up outside any second

TD: No, no, we didn't say anything we didn't, what the fuck, we said hello to him. That's all we said hello

AE: That's right, I'm the guy that did all the talkin'

TD: I'm only worried about Angelo

AE: At this tage

TD: Angelo's the guy that's a

AE: It's a very simple thing, it's either for real and they've latched on ta me, with that fucken' telephone, maybe, now you never know

TD: I'm gonna try to make the flight that gets in at 4:42, alright. If not I'll take this National flight and it'll get in 6:15 but it'll be in Miami

MW: This ones in Lauderdale

TD: No they're both Miami

MW: OK

TD: Two different airlines, I'm gonna I think I'm gonna make the first one

MW: Alright

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TD: Alright, but if I can't make the first one I'll definitely make the second one and I'll be in by 6:15. We don't have to meet the guy until 8:30 right?

MW: Yeah

TD: Alright, so tell Rusty that I need ta have him bring the car over to the airport. I'll call, try and call, those are gonna be either one of the two times, so, he'll keep himself available for me. Alright why don't you guys get going.

AE: Mind if, I use, to call

TD: No, sure

AE: Before I get, on the plane, wants make a phone call. Dial direct? Fucker. (IA)

MW: Who

TD: It's a good thing I'm a careful guy

AE: A, Theresa, is Dani there, Babe? You being careful, might of saved the whole ball of wax, err, yes Dan how are ya darlin' whata ya got kid, yes, ya better stop somethin' before it happened

TD: Well you know

AE: That's the most important part

TD: Ya see with congressmen and senators there's no problem, 'cause all ya do is go to the newspaper morgues and ya got a picture, right, and that's easy ya see, you know, look at the picture you see the guy you know who you dealin' with, but with a guy like this who's not in a picture I gotta send somebody to look, see what he looks like

AE: What I said, what I don't control, I can't say

TD: No

AE: I say, I don't know. I don't know. Yeah, Dan.

* * *

AE: Right, yeah Ton, I think we napped something in the bud here.

TD: Huh

AE: The worst, the worst is FBI and a, and a, and a, the least is a con game.

TD: Well I hope really that they're tryin' to rip you off because this could be a you know a serious problem for us. Because if they start looking at us ah you guys gotta be very careful now when you go down there.

AE: Huh telling me

TD: If it seems to you in any way I think that somebody is following you

AE: I'll divert em

TD: Just, you know, I a wouldn't even make those meetings.

* * *

MR. PUCCIO: Your Honor, we are going to shut the T.V. monitors off.

THE COURT: All right.

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(Assistants comply.)

THE COURT: All right, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continued)

Q Now, Mr. Weinberg, prior to this meeting at the house in Washington with this gentleman who said his name was Noto did you know that the person who was coming to the meeting was going to be an imposter?

A No, I didn't.

Q Now, after this conversation with Mayor Errichetti that we just observed, did you have occasion to speak with the defendant Howard Criden about this imposter?

A That is correct.

Q Where did this conversation take place and when as best you can recall?

THE COURT: Mr. Puccio, before you go into that there is one thing I want to clear up in my mind. At the very end of this transcript that we just heard what was Mr. DeVito doing while Mr. Errichetti was on the telephone?

THE WITNESS: He was stading there your Honor.

THE COURT: Talking to someone?

What it is we just heard, I think my question

really is, was he on an extension phone or was he just talking to Mr. Errichetti?

A No, he was just talking in the room --

THE COURT: I am sorry, Mr. Puccio.

Q When did you have this conversation with Mr. Criden abou the imposter and where?

A I had the conversation with him at the Holiday Inn, in Hallandale, Florida.

Q And about how long after this meeting we just observed did you have this conversation?

A The following morning he came over to see us.

Q And as best you can recall what did you say to Criden and what did he say to you about this matter?

A I told Mr. Criden that I think the Mayor set us up with a ringer.

Q Now, had you accused the Mayor himself of setting you up?

A No. But we didn't want to scare the Mayor away --

MR. BROWN: I object to this, your Honor. He asked for a yes or no answer.

THE COURT: Sustained. The answer is no.

Q The answer is no, you didn't accuse the Mayor?

A No.

Q But you had told Mr. Criden --

MR. BEN-VENISTE: Objection as leading, your Honor.

THE COURT: Overruled.

Q (Continuing) But you told Mr. Criden that is what your suspicions were?

A That is correct.

Q All right, now, on October 3, 1979 did you have a telephone conversation with Mayor Errichetti?

A That is correct.

Q Did you record that conversation in the same way that you had recorded previous conversations?

A That is correct.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I ask you to turn to Exhibit 24A in the book and in conjunction with that I would like you to look at Exhibit 24B and Exhibit 24.

Now, first with respect to 24B, can you identify that?

A Yes. This is the tape I made.

Q And is it a conversation between you and Mayor

Errichetti?

A This is a conversation between me and Mayor Errichetti and myself.

Q On October 3rd?

A October 3rd at Toms River at the Holiday Inn.

Q With respect to Exhibit 24, what is that?

THE WITNESS: Will you say that again?

Q Exhibit 24, the other Exhibit, what is that?

A That is a tape made for the Court here.

Q That contains a portion of this entire conversation, is that right?

A Yes, that is right.

Q And 24A, can you identify that, please?

A That is a transcript.

Q And did you go over that transcript for accuracy?

A Yes I did,to the best of my ability.

MR. PUCCIO: Judge, I offer into evidence 24A and 24.

THE COURT: Any objections.

MR. BROWN: Subject to the same objections, your Honor, heretofore made. No further objection.

MR. BEN-VENISTE: No further objection.

THE COURT: Received in evidence.

(Articles referred to were thereupon received and marked Government's Exhibit 24 and 24A respectively in evidence.)

MR. PUCCIO: May we distribute the transcript and play it for the jury?

THE COURT: Yes.

MR. PUCCIO: We are all ready, Judge.

(Tape played.)

(continued on next page.)

Date: October 3, 1979

Time: 5:45 P.M.

Place: Telephone Call from Mel Weinberg (New Jersey) to Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

* * *

MW: Now I don't know what you're all hot about.

AE: Well you see.

MW: Now somebody's giving you wrong

AE: First of all you understand that Howard you know Howard is my man. OK.

MW: Alright. But I think maybe, Howie.

AE: Wait a minute

MW: Maybe giving you more wrong information then,

AE: Well Howard talks to me like, like I'm his brother.

MW: Well.

AE: Alright, let me finish, let me finish.

MW: Alright, go ahead.

AE: OK. Now on this candidate shit, OK.

MW: Yeh

AE: You know for what I'm giving this - you know I'm sticking my neck from here to the, the bridge on this shit and you know what - I don't want bullshit on that thing. Now what happen that last week OK. that thing where I got jackpotted.

MW: Forget about it.

AE: No, no, I, I did - I'm not going to forget nothing because you know what? When I get done, and when I check out with my own troops watch out. That's number one. Number two. The inference, the inference. O.K. that I put a - that I put a, a stool pidgeon in there.

MW: Nobody said that.

AE: That that guy was from my office that works for me. OK.

MW: Nobody said that. Now I know where ya.

AE: Now let me tell you something. That is, that whats got me so pissed, thats the end of that conversation

MW: Alright, let's not, hey Angie. Me and you knew each other too goddamn long.

AE: Well, that's the case then why an I be, why is that being said?

MW: It's not being said now, let me tell you what was said and you'll understand. Now I know where you're getting this from second field. Criden's playing two against one. OK. That's bullshit. Alright? Criden had a guy, alright? Which I think you know about it.

AE: I don't know nothing about nothing.

MW: Well then that's where your problem is buddy, me and you conferring everything because he's playing two against one and I don't go for that shit. He had a guy he wanted to do a - I says no way. I said we have done two with the Mayor were great. We want to go the same lines I don't want none of this bullshit walking the guys off and all this crap, bullshit. I don't want no part of it. And I told him forget it. He said the guy is - I said forget it. I'd rather walk away from it.

AE: I don't enjoy, I don't like and will not tolerate anybody behind my back saying I think this guinea's involved in getting something on the side. O.K., that, that's

MW: Alright, do you believe I said that?

AE: Well, it was told to me.

MW: Well, he's a goddamn fucken liar. Now he's playing two against one, you didn't know about the other candidate, did yah?

AE: Heh, na, I don't want no candidates except, except that

MW: Me and you better be

AE: That bag, that bag son of a bitch.

MW: Wait a second. Me and you better meet tomorrow morning and get it straightened out because we're being played for suckers, alright, and I don't like it.

AE: I tell you that, I tell you this.

MW: Because this man is trying - let me tell you exactly what's happening. Alright.

AE: Go ahead.

MW: this man is trying to get me and you fighting - that I don't speak to you.

AE: It's not a question of anybody fighting - its a question of.

MW: I'm telling you something, hey

AE: You see let me tell you something.

MW: Hey, Angie you don't want to look no further than your nose now, your being stubborn. I'm telling you what the guy is pulling.

AE: I'm telling tou, now I'm going to tell you something I've said, I've said on many occasions said to you, you are looking, you're looking at the best man in the whole world.

MW: Have I ever denied it? Have I ever lied to you? Have I ever did anything?

AE: And anytime I turn around on the last couple of months here whatever it may be, there's a cross-eye.

MW: No, no.

AE: OK.

MW: That thing is

AE: Well that's bullshit

MW: Nothing has been cross-eyed. What happened down wa - I told you forget you said you were going handle it, you handle it.

AE: Oh, you bet your ass I'm going handle it.

MW: That's all. Nothing was ever said about it. OK. Nothing was said about it. The only thing was said.

AE: Well you know, I, I come from the old school. You know when I say - and I told youse before. You look at me in the eyeball, you say to me this is the way we do it, that's the way I do it.

MW: The only mistake I made Ange was not calling you up and letting you know about Criden and the other candidate. O.K. But I thought you knew about it from Criden. That is my

AE: There's no. The only candidate I know about OK, is what was brought there and we talked about. OK.

MW: Alright.

AE: And then my mind has been on that stiff that was there that I walked into.

MW: I'm not interested in that stiff.

AE: Well I am.

MW: Well, you said you could take care of that. Right?

AE: That's being take - I got the goddamm state police checking that son of a bitch out, you can bet your ass.

MW: I'm not worried about that. All I'm telling you is he wanted to do a candidate with me and I told him no soap. Alright, I was, I wanna walk from it. I don't want to get involved. Now I thought you knew about this guy. This is my fault cause he tells me he speaks to you two, three times a day, that, you everything that's going on.

AE: Well, I know 99% what's going on and I say 100% now another candidate, I don't know anything about another candidate.

MW: Well, then the guy is playing me and you for a jerk.

AE: Well.

MW: Alright now you.

AE: That's one thing, you're not to do with me. Nobody's going to do that with me, I may be a nice guy. I'm going to listen, I

MW: (Whistles) Angie, Angie.

AE: You know what, when I throw the fucken towel in watchout.

MW: Angie let me tell you something. I am not out to hurt, we're been friends too long alright. And you know me. Did I ever do anything behind you back?

AE: Well you know let me tell you something, Mel.

MW: Then don't let a guy from left field come out and say I said this, cause that's bullshit. all I said to him I don't want to handle the deal that he's got the way he's got it. Either we do it this

AE: I'm not ever referring to that. I'm talking about, I talking about me and a guy in my office.

MW: Forget.

AE: I'm talking about me.

MW: What guy in your office?

AE: That stiff that was, that was there.

MW: He's not from your office.

AE: (IA) That was the question. That was asked was he from, was, that guy was, worked in my office. I brought, I brought a stiff in - I got, I'm trying to rob somebody. Now you know what? That's got to be the biggest son of a bitch, that's my integrity somebody talking about. Now.

MW: You're talking about, would I say that?

AE: Well, either you or Tony said it. Not I

MW: Tony hasn't spoken to him, I have spoken to him.

AE: OK

MW: How long do you know me?
Eight months.

AE: Whatever it is.

MW: Whatever is it. Have I ever said anything like that before to anyone, say anything. I don't carry stories, what goes on between me, you to him. If he said that he's full of shit, he's trying it and I don't talk to you.

AE: Well.

MW: Alright. I did say to him.

AE: I'm just telling you.

MW: I don't want to handle the candidate the way he wants to set up.

AE: Nothing about a candidate. I'm just talking about my integrity and that last week when that guy was there and I, let me tell you something.

MW: Angie, there's nothing wrong with your integrity and there never has.

* * *

THE COURT: All right, Mr. Puccio.

Q Mr. Weinberg, on the very next day did you have a telephone conversation with the defendant Howard Criden?

A Yes, sir, I did.

Q And was that telephone conversation reported by you in the same manner as you previously described?

A That is correct.

MR. PUCCIO: Your Honor, may I approach the witness, please?

THE COURT: Yes.

Q I ask you to look at Exhibit 25-A in the book in front of you, and in conjunction with that I show you 25-B and 25.

Now, with respect to 25-B, what is that, please?

A That is the tape I made at the hotel in Toms River.

Q Was that the tape of the conversation with Mr. Criden over the telephone on the 4th of October, 1979?

A That is correct.

Q And with respect to Exhibit 24, would you identify that, please?

A This is the tape that is made for the court.

Q Does that contain an excerpt from the tape that you previously identified?

A That is correct.

Q And 25-A, please?

A Is a transcript of this here tape.

Q Now, have you checked the transcript against that excerpt to insure that it's exactly the same?

A To the best of my ability I have checked.

MR. PUCCIO: I offer 25 and 25-A in evidence.

THE COURT: Same objection?

MR. BEN-VENISTE: I have no objection on this one, your Honor.

THE COURT: Any other objections?

MR. BROWN: No, your Honor.

THE COURT: Received in evidence.

MR. PUCCIO: May we circulate the transcript, Judge?

THE COURT: Yes.

MR. PUCCIO: And play the tape?

THE COURT: And you may play Exhibit 25.

(Transcripts are distributed to the jury.)

THE COURT: All right. You may proceed, Mr. Puccio.

(Tape recording referred to was played.)

Date: October 4, 1979

Time: 8:01 AM

Place: Telephone call from Howard Criden (Pennsylvania) to Mel Weinberg (New Jersey)

Participants: HOWARD CRIDEN (HC)
MEL WEINBERG (MW)

* * *

MW: He's up with more coffee. I mean like, let me explain to you like you told Angie what we said about him, right?

HC: Here's how that came about.

MW: Wait, wait, I'm not interested in how that came... (IA)...The guy was upset. You know how Angie is.

HC: Well, you told me that the guy, that he was used for the setup, okay, came out of his office.

MW: Yeah, I think he did.

HC: Okay, I screamed at him. I asked him point blank; because if that's the case, okay, then I wanted it on the table, okay? And he swore to me that that wasn't so, that he got set up; because I had a fucking battle with him about that. Listen, this is not, we're not in business to play games and I wanted to find out if he was playing any games.

MW: But, you don't do it that way. So he calls up screaming at me.

HC: First place, he swears to me that that's not so, okay?

MW: I tell you, forget the whole fucking thing, because the whole thing is lousy.

HC: Exactly.

MW: The only thing that will set us back.

HC: Let's forget about it and move on and forget about this bullshit.

* * *

Q Now, Mr. Weinberg, at any of these meetings that you described, did you have any control over the actual payment of money to anyone?

A None whatsoever. Mr. DeVito handled all the control of paying the money out.

Q That is FBI Agent Amoroso?

A That is correct.

Q Now, did anyone ever tell you that Mr. Errichetti had Congressman Myers put on an act at that August 22nd meeting? Did anyone ever tell you?

A No. The only thing that Mr. Errichetti said to me that Congressman Myers is a ballsy guy, he'll do anything.

Q Did anyone ever tellyou that Congressman Myers put on an act at that meeting on August 22nd?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: What ground?

MR. BEN-VENISTE: It's the same question he just asked.

MR. DUFFY: In addition, I object because it's hearsay and doesn't identify the communicants, sir.

THE COURT: I don't think it is offered for the truth. The question is, did anybody tell him.

Overruled. I will permit it.

Q Did anybody ever tell you that Congressman Myers put on an act at that August 22nd meeting?

A No, sir. No one ever told me that.

MR. PUCCIO: No further questions at this time.

THE COURT: All right. Cross-examination.

Mr. Duffy, unless you have agreed to some other order --

MR. DUFFY: No, sir.

May I have a moment to make some sense out of this?

THE COURT: Certainly.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Mr. Weinberg, we have been talking about confidence men here, con men or con man. Do you know what a con man is?

A Yes.

MR. PUCCIO: I object to the statement, Judge

THE COURT: Sustained.

Disregard the statement.

You may answer the question, Mr. Weinberg.

Do you know what a con man is?

THE WITNESS: I know what a con man is.

Q Can you tell the jury so they will know?

A A con man is somebody who will try to con you out of something.

Q Maybe I can help. Is he a fellow who lies?

A A con man tries to tell as much of the truth as possible. Otherwise he will get in trouble.

Q Is he a fellow who takes money from other people under false pretenses?

MR. PUCCIO: I object, Judge.

THE COURT: What ground?

MR. PUCCIO: As to the relevancy and the form of the question.

THE COURT: I will permit it. Overruled.

A Do you want to repeat that?

Q Didn't you hear what I said, sir?

A No, I didn't hear you.

Q I will try to speak a little louder.

A I will appreciate it.

Q Is a con man a fellow who tries to take money from other people under false pretenses?

A That's correct.

Q Tries to get people to believe that he is going to do something and then he never intends to do it;

is that correct?

A That's right.

Q Isn't it part of the stock in trade of a con man that he has to be able to successfully lie to people?

A That is correct.

Q He is a fellow, is he not, who lives by his wits?

A That's correct.

Q Are you a con man?

A I don't know. They say I am.

Q Have you spent most of your adult life living by your wits, sir?

A That's correct.

Q Living off money that you got from other people under false pretenses?

A That's correct.

Q Is it fair to say that a confidence man will lie, cheat, swindle, whenever it serves his purposes to do so?

A That is correct.

Q To further his own interests?

A That is correct.

Q And you say you have been known as a confidence man?

A That is correct.

Q As a matter of fact, in January of 1977, the fellow at the end of the table here, Mr. Good, arrested you for just such activity, did he not?

A Not Mr. Good.

Q Didn't Mr. Good make the arrest?

A No. Mr. Good didn't make the arrest.

Q Well, at that time he was the head of the Hauppague office, was he not?

A I didn't know that.

Q Were you arrested by agents from the Happauque office?

A That is right.

Q And that was in connection with an investigation that covered some seven or eight states; is that right?

A No. I was locked up from Pittsburgh, Pennsylvania.

Q I didn't ask about where you were locked up. My question was that you were arrested in connection with an investigation into your activities that spanned six or seven or eight states; isn't that right?

A I don't know that. The only charge that was placed against me was from Pittsburgh.

Q Let's go through that.

Wasn't there one charge, for example, that involved the entertainer Wayne Newton in Las Vegas, Nevada?

A I don't know if there was a charge pressed against me for that.

Q Wasn't that contained in the indictment in Pittsburgh?

A I don't have the indictment in front of me.

Q Well, I do, Mr. Weinberg.

MR. DUFFY: May I have a moment, sir?

(A pause in the proceedings.)

MR. DUFFY: May I approach the witness, your Honor?

THE COURT: Yes.

MR. DUFFY: Judge, may I just show this document to the witness? This is marked. I have to get one that is unmarked.

MR. PUCCIO: I have one that is unmarked, if you like.

MR. DUFFY: The prosecutor has one.

THE COURT: Are you referring to the Pittsburgh indictment?

MR. PUCCIO: 77-47.

MR. DUFFY: Yes.

MR. PUCCIO: May I use yours, then?

MR. DUFFY: No.

Q Mr. Weinberg, I want you to examine what has been labeled for identification as Defendants' Exhibit C and let me, although I will be happy to have you read all of it, but let me point you to the fifth page of that document under heading "Overt Acts" and direct your attention to paragraph two.

THE COURT: And the question is whether that refreshes his recollection?

Q Does that refresh your recollection, sir?

A Yes, it does.

Q About whether or not one of the people you were accused of swindling was the entertainer Wayne Newton?

A That is correct.

Q And you did swindle him, didn't you?

A It says so here.

Q I want you to say so to this jury, sir.

A I took money off him.

Q Under false pretenses, did you not?

A That is correct.

Q Let's tell the jury about that. You ran a scam back around that time similar to the ABSCAM operation, did you not?

A That is correct.

Q Indeed the ABSCAM operation was based upon your prior fraudulent operation, was it not?

A I don't know about that.

Q Just remarkably coincidental?

A I don't know about that. You have to ask the FBI on that.

Q I want to ask you. It's my purpose to do that.

A I don't know.

MR. PUCCIO: I object to the statements, Judge.

THE COURT: Sustained as to the statements. The jury is to disregard them.

MR. DUFFY: Sorry, your Honor.

Q Let me ask you this, Mr. Weinberg: You had a traveling companion back in the early '70s, from 1970 or '69 to January 11, 1977, did you not?

A That is correct.

Q And that was a woman who was previously a maid in Scarsdale, New York, was she not?

A That I don't know.

Q But her name was Evelyn Knight, wasn't it?

A That is correct.

Q You named her Lady Evelyn Knight; is that right?

A That is correct.

Q And told the people she was one of the top five richest people in the world?

A I never told them that.

Q Did you tell them she was second?

A No. I didn't tell them she was second.

Q Did you tell people she was a wealthy woman?

A I told them that she was a wealthy woman.

Q Did you tell people that she was connected to Aristotle Onassis?

A No.

Q Did you ever tell that to anyone?

A No.

Q Specifically, did you ever tell that to an individual named Alan Goberman?

A I know Alan Goberman.

Q You took $150,000 from him, did you not?

A No, I never took $150,000 from him.

Q Am I wrong on the figure?

A You are 100 percent wrong on the figure.

Q Would you like to tell the jury what the figure was?

A Around $10,000.

Q And a diamond ring?

A I don't know about the diamond ring, either.

Q You don't know about it?

A No.

Q You wear a couple of them, don't you?

A Did he give me this?

Q I am asking you.

A No, he never gave me a diamond ring.

Q From Goberman you only took $10,000?

A Yes.

Q Didn't you tell Goberman that Lady Evelyn Knight was connected with Aristotle Onassis and if she approved of his hotel down in the Islands that Onassis may come forth and provide the financing that he needed to refinance the deal?

A That's not true.

Q Did you tell Goberman or others back in 1970 that this Lady Evelyn Knight was required to invest $100 million every month in Arab oil money?

A No, that's not true.

Q Did you tell people from whom you attempted to get money back in those years, and I'm talking 1970 up until the time Mr. Good or someone else arrested you, did you tell those people that she was charged with the responsibility to invest any Arab oil money?

A Never mentioned any Arab oil money.

Q Not to Goberman?

A That's correct.

Q And not to people like Lee Schlack of Evan City, Pennsylvania?

A That's correct.

Q Did you take money from him?

A I did.

Q About $3,564?

A That is correct.

Q Did you tell the Arab oil money story to Carl Stark of Pittsburgh, Pennsylvania?

A No. I didn't tell him the Arab oil money story.

Q Did you take money from him?

A Yes.

Q $3,750?

A I don't know the amount.

Q Shall we quarrel about that?

A No.

Q Would you doubt my figure?

A I would doubt anything you say.

Q Sir, I -- would you adopt that figure, $3,750, or do you want to see it in the indictment?

A I see it here. I will take the figure.

Q That's the government's figure?

A That's correct.

Q Do you doubt the government's word?

A No, I don't doubt the government's word.

Q Because you pleaded guilty to it, didn't you?

A Yes.

Q How about the Monroeville Development Company? Did you tell those people in Monroe, Pennsylvania that Lady Evelyn Knight was able to control or had access to Arab oil money?

A The name does not ring a bell.

Q $2,500, did you get from them? Do you want to look at the indictment?

THE COURT: What page?

MR. DUFFY: I will have to look it up myself, sir.

(A pause in the proceedings.)

MR. DUFFY: I will go on and Mr. Ben-Veniste will find it for me, your Honor. I will come back to the question about the $2,500 from the Monroe Corporation.

THE COURT: All right.

Q Let me ask you this, Mr. Weinberg: Did you tell any of the people I just mentioned, Wayne Newton, Carl Stark, Lee Schlag, any of those folks, and I see another one, Melvin Penard, does that ring a bell?

A Yes, it rings a bell.

Q He was one of your marks, was he?

A No. I don't think we took him.

Q Would you look at three paragraphs down from Wayne Newton on that same page, accepted an appraisal fee of $2,500 from Monroeville Development Corporation? Do you see that, paragraph No. 5, sir?

A I see it.

Q You pleaded guilty to that, did you not?

A Yes, I pleaded guilty.

Q In connection with that Pittsburgh indictment there was a sum in excess of $200,000 that you swindled people of throughout the contry; isn't that right?

A That I don't know.

Q Did you plead guilty to the indictment?

A I pled guilty to the indictment.

Q Did you plead guilty and say "I plead guilty to all but one paragraph" or something?

A No. I pleaded all the counts.

Q Paragraph one of the "Overt Acts," would you

take a look at that, same page up on top?

A I see it.

Q That between June 1, 1975 and the present Melvil Weinberg solicited and accepted over $200,000 in advance of appraisal fees from various individuals in the Western District of Pennsylvania and throughout the United States of America. You pleaded guilty to that, did you not?

A That is correct.

Q Did you ever pay that money back?

A No.

Q Not a nickel of it, did you?

A No.

Q But when you went into court and went before the Judge in Pittsburgh, you didn't go in on a plea bargain, did you, sir?

A No, I didn't.

Q As a matter of fact, you didn't go in pleading guilty only as you testified to earlier, to mail fraud and wire fraud; am I right?

A I pleaded to all counts in the indictment.

Q You pleaded to conspiracy as well, did you not?

A If it's in there, I must have.

Q And when you went to the judge, before the judge, you were sentenced to three years in prison, were

you not?

A I was told I was going to get three years' probation.

Q Who told you that, Mr. Weinberg?

A The judge.

Q On the day you appeared for sentencing.

A When I appeared he said three years in prison, but I was told I would get three years' probation.

Q Who told you you would get three years' probation?

A The judge.

Q Let's talk about December 8, 1977, when you went into court to plead guilty.

Shall I find the papers? Isn't it true that you were told that day that you were to go to jail for three years? Yes or no.

A I would like to see the papers you have.

Q Yes or no? Do you have a recollection?

A No, I don't have a recollection. I was told I would go in front of him and he would sentence me to three years. And I was told also in his chambers I would get probation.

Q The same day?

A Correct.

Q Is there a record of that proceeding?

A I don't know.

MR. DUFFY: Your Honor, I will come back to it when Mr. Levy finds that transcript.

THE COURT: All right.

Q You went before the judge on December 8, 1977, for sentencing, did you not?

A That is correct.

Q Before that day had you talked to John Good or any other official of the FBI, special agent, supervisor or otherwise, about --

A I was working --

Q I have not finished yet.

-- about going to work for the FBI and in return they would get you off this mess?

A No. You are talking about Abdul Enterprises?

Q Et al.

A I was working for the FBI before then.

Q We will come to that, Mr. Weinberg. But answer my question.

When you went into court to be sentenced on the 8th of December, 1977, had you sometime theretofore talked with someone in the FBI about getting you out of this mess in Pittsburgh?

A I was told that if I get four cases for them, all right, that they will see what they can do for me. I was told --

MR. DUFFY: Your Honor, may we have the witness directed to answer my question yes or no, sir?

THE COURT: Read the question, please.

(Question read back as requested.)

THE COURT: Can you answer that yes or no, Mr. Weinberg?

THE WITNESS: I can't answer it yes or no, your Honor.

THE COURT: All right.

Q Is it because you don't know or you can't remember?

A I remember.

Q Then tell the jury.

A What I am trying to tell the jury and what I told you, I was -- the FBI or the Attorney General of Pittsburgh told me, the assistant, that if I would do four cases, they didn't promise me nothing, they would see what they could do for me.

Q The assistant, you said Attorney General. Do you mean the United States Attorney for the Western

District of Pennsylvania?

A Yes, Mr. West.

Q That was Jim West?

A Yes.

Q Are you telling his Honor and the jury that Mr. West told you, talked to you and said, if you do four cases for them they could do something for you?

A I spoke to a Mr. Boutwell, an FBI agent, at the time.

Q Mr. Weinberg, my question is: Did you talk to Mr. West who was a lawyer --

A I spoke --

Q May I finish?

A Yes.

Q -- who was a lawyer for the government, a prosecutor, that he came to you, are you telling the jury that he came to you and suggested that you run four cases for the FBI?

A No. He didn't suggest that.

Q All right. Who did?

A I spoke to Mr. Boutwell up there in Pittsburgh when I said I would plead guilty.

Q Mr. Boutwell was an FBI agent out in Pittsburgh?

A Yes.

Q Is that right?

A That is correct.

Q So before you went to court on December 8, 1977, you did talk to the FBI about going to bat for you with the judge; is that right?

A That is correct.

Q And did the FBI go to bat for you with the judge on December 8th?

A They went to bat for me.

Q And is it your testimony that when they went to bat for you they struck out?

A What do you mean by struck out?

Q Well, you got three years in jail that day, did you not?

A It was put down to three years probation.

Q On December 8th?

A After I think it was the first of the year they came out and sent me a letter saying I was on probation.

Q Mr. Weinberg, you had through your counsel to file a pecition on the Rule 35 to get the judge to reconsider your sentence; correct?

A That is correct.

Q Because he gave you three years in jail,

isn't that right?

A That is correct.

Q And it was after you got the three years in jail that you talked to the FBI about getting you out of the mess; is that right?

A That is not correct.

Q You were in court on December 8, 1977, with your then attorney, Michael Osmond; correct?

A That is correct.

MR. DUFFY: May I approach the witness, sir?

THE COURT: Yes.

Q Directing your attention to --

MR. DUFFY: I will need to get a sticker.

Q I am going to show you a transcript of the proceedings held before District Judge William W. Knox, inPittsburgh, on December 8, 1977, and again feel free to take time to read the whole thing, but I would like to point to you the first full paragraph on page 3 first.

(A pause in the proceedings.)

Q Then I have another section I would like you to read.

Let me stay with the paragraph on page 3. Do you recall that that's what the lawyer, your lawyer said?

A I haven't seen that before.

Q I am not asking you whether you saw this. You were in court with your lawyer and he talked to the judge, made a pitch for you; is that right?

A That is correct.

Q Is that what his pitch was?

A I don't remember if that was his pitch or not.

Q All right, sir.

Now, would you read the first full paragraph on page 5.

(A pause in the proceedings.)

Q Have you examined that?

A Yes, I examined that.

Q Any doubt in your mind that that's what Judge Knox said when you were in court that day?

A That is correct, no doubt in my mind.

Q There is no doubt?

A There is no doubt.

Q Now, just back to another portion.

Here on page 4, Mr. West -- he was the U.S. Attorney, was he not?

A That is correct.

Q Doyou have any doubt that that's what Mr. West said?

A No doubt.

Q Did your lawyer tell the judge in court that day, quote, just a couple of points that I would like to make, your Honor, that as the record indicates, the defendant -- that's you; is that right?

A That's correct.

Q -- the defendant just this week has celebrated his 53rd birthday, and that but for the actions that resulted in the return of this indictment in the Western District of Pennsylvania, the report indicates, and I'm sure your Honor will agree, that the defendant has led an impeccable life up to this point.

Was that true then?

A I had never been in trouble before then.

Q You mean you never got caught; isn't that right?

A I had never been caught, I had never been in trouble.

Q But you had been swindling people for years, you told us in Philadelphia, didn't you, Mr. Weinberg?

A That is correct.

Q So that representation wasn't totally accurate, was it?

MR. PUCCIO: Judge, if a defense lawyer --

I object to that kind of question.

THE COURT: I'm not sure that that's fair comment on what the attorney said, Mr. Duffy. He said according to the records. I hear that kind of statement from lawyers all the time.

MR. DUFFY: I think I have done, Judge. I wasn't casting aspersions on the attorney.

THE COURT: You asked him if that's a correct statement. I assume the attorney spoke correctly. If he had not been caught there is no record of it.

MR. DUFFY: Let me go on. Perhaps my observation was unwarranted and I apologize to the Court and I withdraw it.

Q Did your lawyer go on and say, he has been a devoted family man, he has been steadily employed in various businesses throughout his life, and has no prior involvement with the law whatsoever, is that what he said?

A That's what is in the paper there.

Q And was that all true?

A That's true.

Q Now, the judge said: I have given the matter very serious consideration again about the third time last night and I have concluded that their recommendation, meaning the probation department, is a sound one under

the circumstances. We are never bound by it, of course, and under the circumstances it is adjudged that the defendant be committed to the custody of the Attorney General or his representative for imprisonment for a term of three years.

Is that what the judge said?

A That's what the judge said.

Q So that there is no doubt when you went to court that day you got a jail sentence of three years and not probation?

A No, that's not right.

Q Shall I read it again, Mr. Weinberg?

A I know what you are reading.

Q Well, when you walked out of that courtroom that day didn't you understand that you had been sentenced to three years in jail?

A I knew when I went out of that courtroom that day that I was going to get probation, the first of the year they were going to send me a letter.

Q How did you know that, the FBI told you?

A My attorney told me.

Q Your attorney, Mr. Osmond?

A That's correct.

Q Did he make a deal with the FBI for you?

A There was no deal made with the FBI. The FBI spoke to the judge on my behalf.

Q And was that before sentencing?

A That is correct.

Q Before the 8th of December?

A That is correct.

Q So what the judge did, he didn't mean; is that what you are telling the jury?

A I don't know.

Q All in all, you had about 60 felony charges then pending throughout the country, did you not?

A That I don't know.

Q Well, they were pending in Tennessee, Connecticut, Pennsylvania, New York?

MR. PUCCIO: Judge, I woiuld like to see those documents that Mr. Duffy is referring to.

MR. DUFFY: I have documentation, sir. I am going by my notes now. I will get the material for Mr. Puccio.

MR. PUCCIO: Thank you.

THE COURT: All right.

Q New York, Nevada, Pennsylvania, Tennessee, Texas, California and possibly Connecticut. Did you have trials pending in those jurisdictions?

A Not to my knowledge.

Q But the only place you went to court was Pittsburgh, Pennsylvania; is that right?

A That is correct.

MR. PUCCIO: Judge, if a document is being relied upon to ask the question, I ask to see the document.

THE COURT: He's working from notes, he said. Whether there are documents or not, we can determine that at some other time.

Q All right. Was the relationship that you had with Mr. Goberman, the contractor from Pennsylvania, part of that Pittsburgh indictment?

A No. That was settled in court with Mr. Goverman.

Q Mr. Goberman sued you in the Federal Court in Philadelphia, 1974 or '75, did he not?

A That is correct.

Q This was before you went to court in Pittsburgh on the criminal charges?

A That is correct.

Q And when he sued you in Philadelphia, he sued you for $150,000; is that right?

A Yes. And he settled for $2,500.

Q And at that time wasn't he told that you were working with the FBI?

A No, he wasn't.

Q All right.

Then in January of 1978, you went back into court and under the provisions of Rule 35 the judge suspended your sentence and put you on probation, did he not?

A That's correct.

Q For a period of three years?

A That is correct.

Q And in fact as you sit here today, you are still on probation, are you not?

A That is correct.

Q And it was at or about that time that you went to work with Mr. Good at the Hauppague office in the Federal Bureau of Investigation; isn't that right?

A I think it was around May.

Q What did you do from January to May?

A I was cooperating at the time, but I didn't get paid officially until I think May or June.

Q What was that, sir?

A I didn't get paid officially from May till June.

Q Made some money during that time?

A Yes, sir.

Q Can you tell the jury how much?

A I recovered some stolen art and I got $10,000 from the FBI and $30,000 from the insurance company.

Q So let's see, January, February, March, April, it was, $40,000 you hade during that few months?

A That is correct.

Q Did you crack any other cases for the FBI during that interim period? You told us about the art.

THE COURT: This is from January to May?

MR. DUFFY: Yes, sir.

THE WITNESS: No. I don't recall any.

Q When did you go officially on the FBI payroll as Melvin Weinberg, employee?

A I think it was May or June. I'm not sure exactly.

Q Now, when you got on the payroll, what happened when payday came? How did you get paid?

A I got paid once a month by check.

Q What kind of check? Was it one of those green ones that people on Social Security get, that comes out of Detroit, or was it a different one?

A I received a check from Abdul Enterprises.

Q Who signed that check?

A I think Mr. Brady signed it.

Q Mr. Who?

A Mr. Brady or McCarthy.

Q Jack McCarthy, who was known in the scam as Jack McCloud?

A Correct.

Q He was listed as an officer of the corporation, was he not?

A I really don't know.

Q But in fact Abdul Enterprises was never incorporated, was it?

A I don't know.

Q When you talked to the FBI, whenever it was, before December 8, 1977, or after December 8, 1977, about going to work for them, did you tell that -- withdrawn.

Why did you speak? Give us a name of the person to whom you spoke that got you involved in what brings us to court this week.

A You mean about Abdul Enterprises?

Q Yes.

A Mr. McCarthy was the one. His superior was John Good.

Q Did you speak with both of these gentlemen?

A I spoke to both of them gentlemen.

Q And did you tell them, did you tell John Good about your background?

A I think he knew about my background already.

Q Answer my question. Did you tell John Good about your background?

A I don't remember if I told him or not.

Q Did he debrief you and take notes and say, Hey, Mel, where were you in 1971, where were you in 1972? Did you cheat anybody in that period of time?

A I really don't know.

Q You mean you don't remember, sir?

A I don't remember whether I took notes or not.

Q Well, there came a time when you walked out of court in Pittsburgh as a probationer and that was in January 1978?

A That's correct.

Q After the FBI had prevailed on Judge Knox to change his sentence; is that correct?

A That is correct.

Q Did there come a time that day or sometime thereafter when you sat down with these new fellows with whom you were going to work?

A I don't follow your question.

Q Well, you walked out of Pittsburgh and you

struck some kind of deal with the FBI, as you put it, you were going to go to work for them; is that correct?

A That's correct.

Q When you walked out of the courtroom, didn't there come a day, either that time or a time thereafter, when you sat down with these fellows and discussed what it was you were going to do with the FBI?

A I made suggestions; there were meetings and I suggested, and that's how it got started.

Q Where were the meetings? When was the first one?

THE COURT: Which question do you want answered?

MR. DUFFY: It's a bad habit I have, your Honor.

THE COURT: Lots of lawyers do that.

Q Where was the first meeting?

A I think the first meeting we had an office on the ground floor of the FBI building which we were using temporarily. I think the first meeting may have been there.

Q Where?

A On Vets Highway.

Q Sir?

A On Vets Highway.

Q On Long Island?

A In Long Island.

Q In New York?

A That is correct.

Q All right. Who attended that meeting?

A Jack McCarthy, myself, Myron Fuller, Mr. McShane.

Q Who was the last one?

A Tom McShane.

Q Was Mr. Good there?

A No, not that I know of.

Q But he was the agent in charge of that office at that time?

A That is correct.

Q Now, at that meeting did you talk about first of all what it was you were going to do to repay the FBI for getting you out of this trouble?

A I paid my debt to the FBI for getting me out of trouble. I didn't have to go to work for them if I didn't want to.

Q When you recovered the stolen art?

A No. I got four cases before I got my probation.

Q Was that between December 8th and when you

were placed on probation?

A That is the time that I went to Pittsburgh and took the plea, until I got on probation.

Q So you got busy looking after No. 1, Melvin Weinberg; is that right?

A I did what they wanted to be done.

Q You did what was necessary to keep from going to jail?

A That is correct.

Q What was it that you talked about Mel Weinberg's new job was going to be when you had this meeting in Long Island with the gentlemen that you named?

A We actually didn't know. We were going to start going after white collar crime.

Q When you came up at that time with the idea of Arabs and oil money; isn't that correct?

A I came up and suggested the name of Abdul Enterprises.

Q Had you ever used that name before?

A I may have. Gamil Abdul Ramon was a friend of mine.

Q He lives in Nice?

A He lives in Nice.

Q In Nice?

A In Nice, France, yes.

Q And you had used that name before, Abdul Enterprises, in one of your scams?

A I used it from when I went to Pittsburgh, and to get the cases that I was working on, I used that name from then until I got put on probation.

Q Do Arabs, because Arabs have money to buy hot art; is that right?

A Correct, and to buy a certain bank that we were working on.

Q Now, when you had this meeting in Long Island you brought up the question of, or the suggestion of Abdul Enterprises and Arab monies; is that right?

A I suggested it.

Q And your suggestion to these FBI agents was that you let the word go out among the hustlers and the con men around and about that Mel was back in business and had fresh money; is that right?

A That is not right.

Q Tell the jury what word went out, if any?

A When they had the suggestion, and they had it to be okayed by the supervisors. When the supervisors okayed it, we let word out that Arab money was around.

Q That Mel had it?

A It was not said that Mel had it.

Q That Mel had control of it?

A No. It was not said that Mel had control over it.

Q That Mel can get it?

A No. It was not said that Mel could get it. Mel worked for them.

Q They could see Mel?

A They could see Mel when they wanted to, when they walked in.

Q Mel was with Abdum Enterprises?

A That's all that was said.

Q And then people started to call?

A None of my old contacts came in.

Q I am tempted to say, I wonder why, but I won't. You told -- strike that.

You were dealing then with a fellow named McCarthy, were you not?

A That is correct.

Q And he was, as it is said in the field, running you; is that right?

A That is correct.

Q When there is an informant or a special employee, there is an agent assigned to them as a supervisor,

this relationship is referred to as the agent is running Weinberg; is that right?

A That I don't know.

Q McCarthy never had any experience before the idea that you gave him about the Arab money or the oil money with this sort of thing, had he?

A I don't know.

Q Did you ask him?

A No, I didn't ask him.

Q John Good never had any experience with that kind of con, had he?

A I don't know if he had or not.

Q Did you ask him?

A I didn't ask him.

Q Was there any FBI agent who said, "Oh, Mel, I know that name, yeah, let's do it"?

A Yes, there was an agent named Myron Fuller that was very experienced in it.

Q And he was at that first meeting, was he not?

A Yes.

Q And he knew what you were proposing really to do was create a spinoff on the old Mel Weinberg scam, and just don't cheat the people, isn't that really what it boiled down to?

A No, it didn't boil down to that.

Q Let's examine that for a minute.

Didn't you tell Mel in the old game with Lady Evelyn that you represented, whoever they were, Arabs, Greeks, whoever they were, who had mega millions to invest, and that you could arrange loans; did you tell them that much?

A We had money to put out in the street.

Q Okay. And then when somebody would say they wanted a loan, part of your scam was, or indeed the heart and soul of your scam was, all right, then good, I am going to contact, whoever your fictitious principal was, but we needed $2,500 to do an appraisal? Isn't that the way it worked?

A That's the way it worked.

Q Or $3,500?

A $2,500 in the East Coast, $3,000 in the West Coast.

Q You had it broken down?

A We had it broken down.

Q And if the guy looked like a fat cat, maybe 5,000?

A No.

Q You were honest about staying to the price

limit?

A We had a list price.

Q And then the fellow would pay you the money and then you would see if you could get him for some licensing fees or something else and get another $1200 or so out of him; is that right?

A That's not correct.

Q Am I wrong on the amount or the whole notion?

A You are wrong on the notion. There were no licensing fees.

Q Well, didn't you go back to the trough again after you got the first $2,500, if you could?

A On occasions we did.

Q Now, the whole notion with these people was that you were in a position to arrange for them to borrow needed monies; is that right?

A Correct.

Q And the way the scam works, regardless of the amount, was that you would take some of their money that you would take from them, get them to put up as earnest money or as paying costs; is that right?

A No. We would charge them an appraisal fee and inspection fee.

Q Now, when you set the deal up with the FBI,

was it your idea or a coincidence, the word that went out to people was that if they were looking for mortgage money, if they were looking for investment capital or to borrow funds, Abdul Enterprises were the people to see; is that much correct?

A Right, I would say partly. We were looking actually to buy stolen securities and CDs.

Q Initially?

A Right.

Q And then you got into the hotel business, or at least fictitiously so; is that right?

A That's correct.

Q And the word was sent out that Abdul Enterprises was prepared to make investments of millions and millions of dollars of Arab oil money?

A Yes.

Q Isn't that right?

A Yes.

Q And if you had a deal, bring it to Melj

A Not bring it to Mel; to bring it to Abdul.

(Continued on next page.)

Q Bring it to Adbul?

A Yes.

Q And people brought deals to Abdul?

A Yes.

Q Is that correct?

A People brought deals.

Q And you had some trouble early on because you attacted some honest people; isn't that right?

A If a person came in and we thought they were honest -

Q Would you answer my question, sir?

A I can't answer the question unless you let me.

MR. DUFFY: Perhaps the Judge will let me have an answer, I'm sorry.

THE COURT: Can you answer the question yes or no?

THE WITNESS: I can't answer the question yes or no,your Honor.

MR. DUFFY: Your Honor, I would like to ask it again.

Q You had some trouble early on because you attracted some honest people; isn't that correct?

A I can't answer that yes or no.

THE COURT: Can you say why you can't answer it yes or no?

THE WITNESS: Because we had no trouble, your Honor, with anyone coming in.

THE COURT: All right.

Q You attracted some people with legitimate deals, did you not?

A If we attracted people with legitimate deals, we would tell them we are not interested in the deal.

Q Would you answer my question.

You attracted some people with legitimate deals,did you not?

A We attracted some people with legitimate deals, right.

Q All right.

And did you not, therefore, have to adopt a policy as to what you were going to do with people who had legitimate deals?

A The policy was that we were --

Q Would you answer my question, sir?

THE COURT: The question is: Did you adopt a policy?

THE WITNESS: We adopted a policy on --

THE COURT: If he wants to know what it is, he

will ask you.

If he doesn't, he will not ask you.

Q All right.

And the policy you adopted was an order to -- withdrawn.

The people at the FBI told you, did they not, that when someone came in with a legitimate deal you shouldn't get involved with it and hold them up for -- or to let them suffer disappointment, you should reject it as quickly as possible; is that right?

A I did not sit at the meetings making those decisions. Mr. McCarthy sat at the meetings and told me he wasn't interested in it.

Q I didn't ask you who was at the meetings.

A You are asking me who made decisions. I was not making decisions.

Q I don't believe that's what I said either, sir, but I will ask it again.

Did there not come to be very early on a policy of rejecting deals offered by people if they appeared to be legitimate?

A That is true.

Q And wasn't that policy announced to you by your superiors in the Bureau?

A That I don't know where they came from, whether they came from the Bureau or whether they came from John Good.

THE COURT: Where did you learn it, Mr. Weinberg?

A Jack McCarthy told me.

THE COURT: All right.

Q Didn't Jack McCarthy work for the Bureau?

A I didn't know where he got the information from. He wouldn't tell me where he got the information from.

Q Didn't Jack McCarthy work for the FBI?

A Yes,he did.

Q And he is the one who told you, no, if someone comes in with a clean deal, legitimate deal, we turn them down, we don't want to get involved with honest people?

A Correct.

Q Now,when was it that you first let the word go out that Abdul Enterprises was interested in investing money in things like hotels?

A A gentleman came up to the office and --

MR. DUFFY: Your Honor, may we have the witness directed to respond to the question,sir?

THE COURT: The question, Mr. Weinberg, was

just when. If you stop and think a minute, see if you can fix a date or an approximate date. That's all he asked for.

THE WITNESS: I will say around November of '78, maybe before.

Q Pardon me?

A Around November of '78 or maybe before that.

Q If it was before that, how long before that?

A I really don't know.

Q As early as July 1978?

A I really don't think I can answer that truthfully. I don't know.

THE COURT: Are you saying your best recollection would be around November?

THE WITNESS: That is correct.

Q Did Abdul Enterprises communicate with a fellow named Joe Meltzer down in Florida about a real estate deal in the summer of 1978?

A I don't know anything about that.

Q Do you know Joe Meltzer?

A I heard of him. I never met him.

Q Ever talk to him?

A Spoke to him on the phone.

Q Do you know whether he was working with the

FBI down in Florida?

A That I don't know.

Q Do you know Gunner Asquine?

A I know Gunner Asquine.

Q He is an FBI agent who used the scam name Gunner Anderson, did he not?

A That's his name.

Q And he ran Joe Meltzer?

A I don't know if he ran Joe Meltzer. I don't think anybody could run Joe Meltzer.

Q He was the agent whom Meltzer reported down in Florida, did he not?

A I don't know that.

MR. PUCCIO: Your Honor -- excus eme.

Q Are you telling His Honor and the jury that you don't know anything about the real estate deal with Joe Meltzer and Abdul Enterprises and a politician in Florida?

MR. PUCCIO: I object,your Honor, on the grounds of relevancy.

THE COURT: I think he is essentially trying to wrap up that subject to get on to another one.

Is that right, Mr. Weinberg? Is that what you are saying? You don't know anything about that kind of a deal?

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THE WITNESS: All I know is rumors I heard. I was not involved in that.

Q Where did you pick up the rumors? Not what they were, where did you get them?

A I heard them in the office.

Q And the office you were in was FBI agents; is that right?

A That is correct.

Q Well, just one final question in this area.

Did you ever enlist Meltzer to approach any politicians, you, Mel Weinberg?

A No, I didn't.

Q Did you ever tell Meltzer to con any politicians?

A No, I didn't.

Q Did Gunner Asquine or Jack McCarthy tell him that in your presence?

A I wouldn't know if they told him. Not in my presence, they didn't tell him.

Q Specifically, Mr. Weinberg, did you, Mel Weinberg, ever tell a middleman, shall we decide what that a middleman is? Do you know what a middleman is in the ABSCAM operation is?

A You explained me your definition of a middleman.

Q Why don't we let the jury hear yours first.

MR. PUCCIO: Objection, your Honor.

THE COURT: Does the term "middleman" mean anything to you in the context of Abdul Enterprises operations?

THE WITNESS: Yes, your Honor.

THE COURT: What does it mean to you?

THE WITNESS: A middleman is what you use to make the contact with the initial person.

Q Make the contact with whom?

A The person comes with somebody he has got and you speak to him and he sets the meeting up for you.

Q All right.

For example, would it be your testimony that Mayor Errichetti was a middleman, one of perhaps several, but at least Mayor Errichetti was a middleman in arranging the Myers meeting?

A That is correct.

Q All right.

Did you ever tell any middleman that you wanted to have him con the politicians?

A No.

Q Did you ever tell any middleman that you didn't care what he said to a politician, that you wanted to

con him, so long as the politician would take money at a meeting?

A No. The politician had to say something to prove to us that he was going to do what he said and he would take the money.

Q You told that to middlemen?

A I told the middlemen or Errichetti, if he bought a politician, the politician had to prove to us that he was going to do what he says.

Q Did you ever tell Errichetti or any other middleman that you, that what you wanted was to have a politician take money and you didn't care how he got him to do it as long as it would appear to come over as a bribe?

A No.

Q You never told that to anybody?

A No.

Q Specifically, did you ever tell that to Joe Meltzer?

A I told you I only spoke to Joe Meltzer twice on the phone and I never spoke to him about any politician.

Q Did you ever tell a politician what it was he was to say at a meeting that was coming up, let's say right after you talked to him?

A Yes, I did.

Q Did you ever tell anyone what Mario Noto was supposed to say when he came to Washington?

A No.

Q What does Mario Noto look like,the real Mario Noto?

A A much older man, if I remember the picture correctly, a full head of hair.

Q Anything else you can tell us about him?

A Not offhand. It was some time ago.

Q Pardon me?

A I said it's quite some time ago.

Q Do you have that picture so we could show it to the jury?

A Do I have the picture?

Q Yes.

A No, I don't have the picture.

Q When did you see that picture?

A The day before.

Q Can you tell the jury what time?

A I got down there late in the afternoon because I came from another meeting.

Q You were in New York that day?

A I don't remember where I was. I don't know if it was New York or New Jersey.

Q That would have been the 18th of September, 1979; am I right?

A Tha is correct.

Q And were you in New Jersey that day?

A I really don't know where I was because I moved around quite a bit.

Q Do you have any recollection of your whereabouts on the 18th of September?

A I think I was in New Jersey, if I am not mistaken.

Q Can you tell the jury where?

A I am not sure, but I think it was either the Hilton Inn, in Mount Laurel.

Q Could it have been Moorstown, New Jersey?

A Morristown?

Q Moorstown?

A I don't think I was in Morristown.

Q Were you on Long Island that day?

A I really don't know for sure, but we can check that to find out.

Q I am asking you what you remember. Were you in New York that day?

A I told you I am not sure where I was.

MR. DUFFY: A change in subject now.

THE COURT: Is the new subject going to be a shorter one?

MR. DUFFY: A long one.

THE COURT: Can you pick a short one?

MR. DUFFY: I can go into one if it runs too long cutting it off will not hurt.

THE COURT: All right.

Proceed.

Q Mr.Weinberg, we were given a list, and I don't know if it needs to be an exhibit at this point, of payments which are called schedules of compensation paid to Mel Weinberg, and it starts July 1, 1978, with a $1,000 entry.

Is it your testimony that that's the first time you got paid from the FBI in connection with your employment after the Pittsburgh deal?

A I really can't answer. I really don't know. I have never seen the list, by the way.

Q I want to question you about what Mel Weinberg remembers.

A I don't remember.

Q In March of 1979 did you get a $5,000 bonus check from John Good?

A If it's on that list I got it.

Q It's not on this list, Mr. Weinberg. I am asking you for your recollection.

A If it's not on the list, I didn't get it.

Q Do you recall testifying in Philadelphia under oath?

A I do.

MR. DUFFY: May I have a moment,sir?

THE COURT: Yes.

Q So we are clear on this, is it your testimony here today in Court under oath before the jury that you didn't get a $5,000 bonus check from John Good in March or April 1979?

A And it's not on that list?

Q It's not on this list.

A Well, if it's not on the list, I don't remember getting it.

MR. DUFFY: May I show the witness the testimony from Philadelphia, sir?

THE COURT: Certainly.

Q I have Volume Three of your testimony in Philadelphia at the hearing before Judge Fullman.

THE COURT: Is that Volume Three of his testimony or of the testimony?

MR. DUFFY: If the testimony, Judge.

Page 3.88, a little south of the page.

THE WITNESS: I said on here, I think I got it around March or April of '79.

Q Got what?

A A bonus.

(Continued on next page.)

Q Got what?

A I said about 5000. I said I think I got it. You got a list and I don't have it.

Q Mr. Weinberg, we didn't have a list then.

A You had the list then.

Q We have been given a list by the government --

MR. DUFFY: May I ask Mr. Puccio through the Court to provide Mr. Weinberg with what the government contends is a history of his payments?

THE COURT: Do you have a copy of that, Mr. Puccio?

MR. PUCCIO: Yes, your Honor.

MR. DUFFY: Your Honor, can we make that a defense exhibit, Exhibit E?

THE COURT: Have you seen that document before, Mr. Weinberg?

THE WITNESS: No. I have never seen this here before.

THE COURT: Proceed, Mr. Duffy.

Q Mr. Weinberg, this was provided, Defendants' Exhibit E that we have before us was provided to us this morning by Mr. Puccio.

Are you telling the jury that you never saw the list of the payments that the government says that they

made to you?

A No. It's the first time that I am actually seeing it in my hand.

Q Are we talking about that piece of paper or any record of your payments?

A Any record of my payments.

Q Do you keep your own little book saying I got 1000 today in a book?

A No, I don't.

Q Do you see any $5000 bonus, check or indication thereof, from Good in March of '79?

A Well, the only thing I see in March of '79 is 2500.

Q All right.

THE COURT: Aren't there two other payments in March?

THE WITNESS: The other one is a $500 payment, your Honor.

THE COURT: And March 30th?

THE WITNESS: March 30th would be my check for the month.

THE COURT: All right.

Q Would you share that with the jury, Mr. Weinberg. How much was that?

A $3000 a month.

Q So that month you got $6000, plus in Philadelphia you said at page 3.88 that you got a check -- here, I will read it to you.

"I was paid up in New York, I think it was around March or April.

"Question: Of '79?

"Answer: Right.

"Question: And how much did you get?

"Answer: I think it was 5000.

"Question: Who made that payment to you?

"Answer: John Good.

"Question: Was that by check?

"Answer: Yes. I signed a receipt for it."

So that couldn't be the two or the 2500 or the 3000, could it?

A That's probably what it is.

Q The government, when they gave you the figures, they took a -- strike that.

They took a $5000 check --

A I said at that time I think it was 5000. I didn't say it was 5000. I knew I got a bonus around about that time.

Q All right.

There came a time that you had to move, did you not?

A That is correct.

Q That is to say to change your place of residence?

A That's correct.

Q And when was that, Mr. Weinberg?

A I think it was in June of '79 or July of '79.

Q All right.

You owned a home out in Long Island somewhere?

A That's correct.

Q Where was that? We don't need the address, just in what area?

A Central Islip.

Q Central Islip?

A Right.

Q You had to sell that house?

A I sold that house.

Q Did you lose money on it?

A I lost about $40,000 on it.

Q What was the selling price?

A 30,000.

Q What did you buy it for?

A I bought it for thirty.

Q Did you buy it for thirty or was it nineteen?

A It was nineteen, 990, correct.

Q You bought it for nineteen and sold it for thirty, but you lost 30,000?

A That's correct.

Q The figures that I have from the government, this Exhibit E, I added it up in court and I get $93,290.32. I don't represent to you or the Court that that's completely accurate, but that's my mental computation.

A A lot of that is expenses in there.

Q Pardon me?

A A lot of that is expenses in there.

Q I understand.

Let me ask some questions.

Can we agree that you got $93,000 from the end of July, '78 until the end of June, '80?

A I don't agree to that. I haven't added this.

Q Why don't we get you a pencil.

THE COURT: We will do that one overnight then.

MR. DUFFY: Then I suggest we get him an adding machine, Judge. It's an awful long column of figures.

THE COURT: That's why I suggest that we do

it overnight.

We will break at this point, ladies and gentlemen. And during the overnight recess don't discuss the case with yourselves or anyone else.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

80 CR 00249

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 19, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

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* * *

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THE CLERK: Mr. Weinberg, you are advised you are still under oath.

CROSS EXAMINATION

BY MR. DUFFY: (Continued)

Q Mr. Weinberg, I think we left off yesterday with me suggesting that you get a pencil. But now I have to question you a little differently.

MR. PUCCIO: I object to the statement, Judge.

THE COURT: Sustained. Disregard counsel's statement.

Q Did you receive this morning a new 2 page

schedule of compensation paid to Melvin Weinberg?

A No, I haven't.

Q I now show you what we have marked --

MR. DUFFY: May I approach the witness,sir?

THE COURT: Yes.

Q What we have marked for identification as Defense Exhibit F. I ask you to take a look at that.

Have you examined that,sir?

A I have examined it.

Q You never saw that before, I take it?

A No, I haven't.

Q Do you know who prepared it?

A No, I don't.

MR. DUFFY: May we have an agreement from the Government --

MR. PUCCIO: Stipulated that it was prepared by the Government.

MR. DUFFY: May we have a statement from Mr. Puccio, sir, as to who prepared this document.

MR. PUCCIO: Prepared by Agent Bruce Brady and typed by my secretary.

THE COURT: And prepared from what, Mr.Puccio?

MR. PUCCIO: Prepared from the ABSCAM investigation file and in addition the 137 file.

THE COURT: FBI records?

MR. PUCCIO: FBI records.

THE COURT: All right.

Proceed, Mr. Duffy.

Q You are aware, are you not, that the Government through Mr. Puccio supplied us with Exhibit E yesterday, are you not?

A That's correct.

Q And that, as you understood it, purported to be a complete record of payments to you during your participation in ABSCAM; is that right?

A That's correct.

Q And then you answered some questions that indicated that you got more monies than were shown on Exhibit E; is that right?

A That is correct.

Q Now, overnight the Government has prepared a new list. I would like to go through it with you if I may. I have some questions on it.

Before we look at the list, when was it that you sold your home on Long Island?

A I think it was around July. I'm not sure.

Q Was there a year?

A 1979.

Q All right.

If you look at Exhibit E -- do you have that up there, Mr. Weinberg?

A No, I don't.

MR. DUFFY: Could we get a copy for him, sir?

Q If you look at Exhibit E, can you tell the jury whether in July, 1979 there is any entry that indicates a payment to you in the amount of $15,000 in July, 1979?

A Not in July. There's no payment.

Q How about June, 1979?

A June 15th is a payment of $15,000.

Q I am directing your attention to E not F. The one we cross examined you on yesterday.

A There is nothing in here for June.

MR. PUCCIO: Your Honor, I am going to object to this because these documents were not prepared by this witness.

MR. DUFFY: Your Honor, they were prepared by the Government of the United States.

THE COURT: They are still not prepared by this witness. He's not responsible for them, is he?

MR. DUFFY: That is the purpose of my inquiry.

to find out who is responsible.

THE COURT: Then ask him if he had anything to do with the preparation of the document. Don't waste our time.

Q Did you have anything to do with the preparation of either document?

A None whatsoever.

Q Do you have any records that you can bring into Court or have brought into Court to show this jury how much money you were paid by the FBI in connection with ABSCAM?

A I have no records whatsoever.

Q Do you have a bank account?

A I gave it to Mr. Puccio.

Q Answer my question?

A Yes, I have a bank account.

Q Does you bank account or do your bank records run back through 1977?

A Yes.

Q Do you have bank records here in the building?

A No, no.

Q Do you personally have records that show your banking in 1977, '78 and'79?

A No, I don't personally have any records at

all.

Q Did you file a tax return in 1979 for the year -- the tax year 1978?

A No, I didn't.

Q You say you did not file a return?

A I did not file.

MR. DUFFY: May I have a moment, sir?

THE COURT: Yes.

MR. DUFFY: 3.136.

Q You testified in Philadelphia, Mr. Weinberg, did you not, under oath before Judge Fullman on July 9, 1980?

A That's correct.

Q A little more than a month ago?

A That's correct.

Q Were you asked at that time -- I am asking now for your recollection. Were you asked at that time whether you filed a tax return for 1978?

A That's correct.

Q Do you remember what your answer was?

A I said I did. But I was talking about 1977. I filed in '78 for '77.

Q Did you get an extension for the tax year 1978 for filing a return that should have been filed by

April 15, 1979?

A No, I didn't.

Q Did you make any arrangements with the Government about not filing?

A No, I didn't.

Q How about your 1979 return, the one that we all filed on the 15th of April, 1980?

A I didn't file.

Q Anybody working on that?

A No. But I'm going to work on it.

Q Have you had anybody working on it?

A No.

Q You remember testifying in Philadelphia about that?

A I remember.

Q Do you remember whether you were questioned about your 1979 return, the one that was due four months ago?

A I remember.

Q Do you remember what you said?

A I said I spoke to somebody up in the office.

Q Up in what office?

A In Puch's office. Tax guy.

Q Puch's office?

A Yes.

Q You mean Mr. Puccio?

A Mr. Puccio.

Q What else did you say? Tell the jury?

A I spoke to the fellow and he told me to get all the papers, what I made, and see a tax guy and get it down. A lot of this money on here is expense money. This goes way back.

Q I will ask the questions, Mr. Weinberg. You just give the answers, sir.

Is anyone in the Government helping you with your 1979 tax return?

A No, they ain't.

Q But you said in Philadelphia that they were?

A I said I spoke to the fellow there.

Q Did you say in Philadelphia that someone from Puccio's office was helping you with the return?

A I spoke to him. He said to get all the papers.

Q Mr. Weinberg, I -- I want you to look at Page 3.137 of the transcript of the Philadelphia proceedings. In fact, go back to 316 at the bottom, by Mr. Ben-Veniste, read that and read what is at the top of the next page.

MR. DUFFY: May I retrieve the transcript, sir?

THE COURT: Yes.

Q Have you examined that transcript of the Philadelphia testimony?

A I have.

Q Can we agree that that was the colloquy between you and Mr. Ben-Veniste?

A That's correct.

Q Did he say to you:

"Question: Did you file a tax return for the year 1979?

"Answer: I haven't filed a tax return yet.

"Question: Have you filed for 1978?

"Answer: Yes."

Now, stopping there, you are telling the jury today that you have not filed for '78?

A I misunderstand. I filed '78 for '77.

Q And then did Mr. Ben-Veniste ask you, "Do you recall how much you declared in 1978?

"Answer: Not offhand."

Was that your answer?

A That's correct.

(Continued on next page.)

Q And then:

"Question: Is anyone in the Government helping you with your tax return?"

Your answer was, "Yes."

Is that correct?

A That's correct.

Q The next question was, "Who?"

The answer was, "Some fellow up in Mr. Puccio's office."

Is that what you said?

A Yes.

Q The next question was, "Who was that?"

Your answer was, "One of the tax lawyers. I don't know his name."

Is that what you told the Judge under oath in Philadelphia?

A That's what I told him.

Q But you say today that no one in Mr. Puccio's office is helping you with your return?

A I went to him for help, which I stated in this statement there, and he told me, get all the figures together, to see him, and get a tax lawyer to make them out.

Q Did you file a return in 1978 for --

A No.

Q I wasn't finished.

Did you file a return in 1978 for the tax year 1977?

A Yes.

Q Do you recall what you declared then?

A No.

Q Do you have a copy of that return?

A No.

Q All right, sir.

This new document that we have been provided, Exhibit F in front of you, shows that instead of $93,000 as was indicated on E, you were paid $133,150.82. Is that an accurate listing of the payments made to you by the Government?

A To the best of my knowledge, yes.

Q Well, will you take your time and do whatever you need to do to supplement or delete as regards this purported statement of payments to you?

A I haven't the slightest idea what they paid me.

Q Let's talk about that for a minute. There came a time when you received $3,000 a month, did there not?

A That's correct.

Q And that went on from when to when?

A Started March 30th.

Q Will you give us the year?

A 1979.

Q Have you received $3,000 from the Government every month since then?

A That's correct.

Q That's apart from any other payments you receive; am I correct?

A That's correct.

Q Now, tell the jury when you get this 3,000 -- by the way,when did you get the last 3,000?

A First of the month.

Q Just a few weeks ago? Couple of weeks ago?

A Yes.

Q When you get this 3,000, how do you get it?

A Check.

Q Whose check?

A Used to be Abdul's check. And now it's another name. It's the name of the bank. I didn't bother looking at it.

Q What do you mean by another name on the check? Is it a Government check from the Treasury like Social Security

receivers get?

A No. It's not a Government check. The check is to come from Abdul Enterprises.

Q How much was the check when it came from Abdul Enterprises during the months when your pay was $3,000 a month?

A $3,000.

Q Didn't it come to $2369.12 or something?

A I just told you it was 3,000.

Q They didn't hold out any taxes?

A Apparently not.

Q Did you pay unemployment compensation, Workmen's Compensation? Was that paid by Abdul?

A I don't know.

Q Was there any social security payments made by you or Abdul for you?

A I don't know what Abdul paid for me. I didn't pay it.

Q Did you get at the end of '78, after you had been working for Abdul for some period of time, did you get -- let's say, in January, February, March, 1979, did you get a W-2 form?

A No, didn't.

Q Did you get a 1099 form?

A No, I didn't.

Q Did anybody in the Government say, hey, Mel, you're going to have to pay some taxes. Here is how much we paid you last year?

A No, they didn't.

Q Did you testify in Philadelphia under oath that you got a W-2 form from the Government?

A No, I didn't.

MR. DUFFY: May I have a moment, sir?

THE COURT: Yes.

MR. DUFFY: I will come back to that, your Honor, if Mr. Levy can pinpoint it in the record.

THE COURT: All right.

Q Now, would you look at Exhibit F. That's the two page -- the recent entry. And I direct your attention to the eighth item, July 31, 1978. This document shows that you were paid a $1,000 that day, is that correct?

A That's correct.

Q All right.

Can you tell the jury -- I don't want to go over each and everyone of these,but can you tell the jury if the check you got was for a thousand or whether there were some taxes withheld?

A I told you before they were for the amount made out, $1,000.

Q That was an Abdul check?

A Correct.

Q All right.

The next item is August 4, 1978, the next day. That's for $600?

A That's correct.

Q That item did not appear on Exhibit E. Can you tell the jury what that item is?

A If I remember correctly, I laid out for the rent in the office. The landlord wanted rent when we first rented the office then and I gave him a check for $600. And they reimbursed me.

(Continued on next page.)

Q Now, Mr. Levy gives me --

MR. DUFFY: May I approach the witness, sir?

THE COURT: Yes.

Q About the W-2 form you say you didn't say it under oath in Philadelphis that there was a W-2 form.

Would you read from Page 3.89, starting at the top.

MR. PUCCIO: May I have the page, sir.

MR. DUFFY: 3.89.

Q Have you read that?

A I read it.

Q Is that the sworn testimony you gave in Philadelphia?

A That's correct.

Q I don't know who was questioning you, but was the question -- a little out of context -- "Was that by check?

"Answer: Yes. I signed a receipt for it.

"Question: Were you always paid by check?

"Answer: Yes. My salary was always paid by check.

"Question: You considered it a salary?

"Answer: Well, it was expenses and salary.

"Question: And did they fill out a W-2

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form in that kind of stuff for you?

"Answer: They did."

Is that what you said in Philadelphia?

A I said that. But I believe you were talking about the form that I sign when I get the money.

Q The receipt?

A Correct.

Q I don't want to quarrel with you, Mr. Weinberg, but you said -- above that you said, "I signed a receipt for that."

Is that correct?

A That's correct.

Q Perhaps I am being quarrelsome and I don't intend to be. Do you know what a W-2 form is? Did you work at an honest job?

MR. PUCCIO: I object to the statement, Judge.

THE COURT: I will sustain it as to form.

Q Do you know what a W-2 form is?

A I thought a W-2 form is what you get from your employer with the taxes you paid.

Q At the end of the year he gives you a little form that says you paid so much, so much was held out for this, so much was held out for that. You know what it is, don't you?

A I do.

Q You know what it was on July 9, 1980 when you testified in Philadelphia, didn't you?

A No, you questioned me -- I thought that you were talking about the form I signed for the Government.

Q All right.

Let's go back to that $600 item, August 1, 1978. You say you paid the rent?

A I laid out a check for the rent, because they didn't have the check with them. So I gave my check.

Q All right.

Skipping down to October 24, 1978. Do you see that item on Exhibit F, $5,000?

A I do.

Q Do you see it?

A Yes, I see it.

Q It does not appear on Exhibit E does it?

A No,it doesn't.

Q Can you tell the jury what that 5,000 was?

A I haven't the slightest idea what it's for.

Q You've got $5,000 less than two years ago and you don't have any idea what it's for?

A Probably something I did and they gave me a --

Q A bonus?

A A bonus on it.

Q You got another $5,000 bonus in March or April of 1979, did you not?

A It's April 9th.

Q That wasn't on the list yesterday, was it?

A No, it isn't.

Q It's on the new list, is it not?

A Correct.

Q Let's skip down to June 15, 1979 where the new list, Exhibit F -- it was given to us this morning -- shows $15,000 payment. Was that on the list that was given to us yesterday, Exhibit E?

A No, it isn't.

Q Tell the jury what that 15,000 was?

A Well, I'm not sure what it's for, unless when my cover was blown.

Q It had to do with the sale of your house, didn't it, Mr. Weinberg?

A In June?

Q Yes.

A No.

Q When did you sell your house?

A The house was sold -- I told you, July. June, July. But it wasn't closed on it until I think

September.

Q The cover thing that -- your cover being blown, when did that come up?

A Came up a few times.

Q How much did you get -- what kind of bonus because your cover was blown?

A I don't remember. But I'm just guessing at -- it may be for that.

Q Well, if it was only 14 months ago -- stop me if I'm wrong -- wouldn't you remember getting $15,000? Or isn't that much to you?

A I don't remember what it was for.

Q Well, let's tell the jury about the house, Mr. Weinberg. You sold the house for $30,000, isn't that right?

A That's correct.

Q And you paid $19,000 for the house; isn't that correct?

A Ipaid $20,000 for the house. 1990.

Q I will give you the thousand. When you sold the house, you went to John Good with the FBI and complained to him that you were taking a giping on the house, and you got $10,000 from the FBI to supplement the sale price on your house; isn't that true?

A No, I don't think that is true.

Q Do you know --

A I don't know what the 15,000 was in June. But I don't believe it was for the house.

Q Just answer my question. I am not going to the -- I am not going to the list now. I want you to tell the jury what you remember about the sale of your house just only -- a little more than a year ago. Isn't it true -- listen to my question, please.

Isn't it true that when you sold the house for $30,000, you told Good that you took a loss on the house and that you want the FBI -- stop there -- that you told Good you took a loss on the house?

A I don't remember telling Good I took a loss on the house.

Q Do you deny now under oath that you said that to him?

A I don't remember saying it to him.

Q All right.

Didn't you say to Good that you wanted the FBI to pump you up with some money to supplement what you were getting on the sale of the house?

A I don'l believe that -- part of that money could be moving expenses. They paid for my moving.

Q I am coming to that, Mr. Weinberg. Let's talk about the 10,000 now.

A I really don't now. I just can't answer you on it.

Q Okay.

Let's talk about the moving expenses then. Isn't it true that you went to Good and told him, since you were moving from your home you needed some walking around money or living expenses and you got another $5,000 from the FBI?

A No, that's not true.

Q Do you deny under oath that you got $15,000 from the Federal Bureau of Investigation or Abdul Enterprises or whomever was the maker of the check?

MR. PUCCIO: Objection. It's been asked and answered, Judge.

THE COURT: Let me hear the whole question.

Q Do you deny now under oath that someone connected with the Government,be it the FBI or Abdul Enterprises, paid you $15,000 in checks with the sale of your house and your moving?

A I got 15,000, but it wasn't connected with the sale of my house or moving.

Q Tell this jury what it was in connection with?

A I don't know offhand exactly what it was connected with.

Q Somebody just walked up and said, you're Mel. Here's $15,000. You can have it?

A No.

But in June there -- May 8th in that some CDs or something else came in.

THE COURT: May I see counsel at side bar, please.

(The following took place at the side bar.)

THE COURT: Mr. Duffy, you can -- I am not attempting to restrict your cross examination in any way. But I would suggest to you, you may be embarrassing yourself by the aggressive approach you're taking. Because I know what is in the 137 file. It shows that the $15,000 was paid to him in connection with another matter which he was nearly killed, and in which he recovered some rather substantial property for the Government. And that the amount of the payment in connection with his house moving was $6,000. And it's included in the Abdul Enterprises payments of '79.

(Continued on next page.)

MR. DUFFY: That's not what he testified to under oath in Philadelphia.

THE COURT: You can cross examine him about it to your heart's content, but you are leaving yourself wide open. The Govenment has the records. I just wanted to alert you. They consider them confidential records, particularly when they relate to other investigations. I don't know to what extent they feel they can safely reveal the information, but they may come back and -- just looking at the case from the overall point of view, they may come back and make a hero out of this guy in the eyes of the jury.

MR. DUFFY: They deprived us of that information and I --

THE COURT: It's not Brady material.

MR. DUFFY: I think it's highly improper if they do come back. But we have this witness in Philadelphia saying what the money was.

THE COURT: I'm not saying that you can't question him. I want to warn you of the risk you are running in what you are doing.

MR. PUCCIO: May I put on the record that it would be our position -- at least, we would like

the opportunity to explore whether we can bring out that the reason behind these payments --

THE COURT: Of course you can.

MR. PUCCIO: We intend to do so.

MR. BEN-VENISTE: You would?

MR. PUCCIO: We would.

MR. BEN-VENISTE: I would object to it very strongly. If these payments aren't on a list relating to Abdul Enterprises in the ABSCAM investigation, then we are sandbagged not only by the witness' sworn testimony, but by the fact that this material has not been provided to us during the pretrial as we had requested. I would suggest to the Court that if this is in fact the case, under all the circumstances that the record should be left as it is and Mr. Puccio ought not to be allowed to come back in and rehabilitate the witness with information that has been deprived us for purposes of use in cross examination. That is just absolutely sandbagging.

THE COURT: With respect to the payments he received from Abdul Enterprises, you had the list. You had known what they are. They are Brady material.

With respect to the payments received in the

other capacities his work for the Govenment, they are not Brady material. They all go down to Mr. Weinberg's credit and are directed to some rather extraordinary service that he rendered to the Government, particularly with organized crime. And to the extent that you explore it -- I think I warned you about this yesterday -- to the extent that you explore him as a witness, I think the Government is entitled to rehabilitate him if they choose. They can tread a very fine line between safety and revealing other investigations and things of that nature. But that's a line the Government has to decide, whether they are going to cross it or not. I want you to be aware that you are opening the door to that kind of a redirect examination or rehabilitation.

MR. BROWN: Judge, may I inquire through the Court if it's possible for the material to be given us to distinguish payments that would be paid by Abdul in connection with this particular matter as opposed to matters such as the one you describe?

THE COURT: Exhibit 66 is where he had the problem. Exhibit E is payments by Abdul. Exhibit F has additional payments.

MR. BROWN: So that if we rely on Exhibit E

then we would not be within the purview of other matters beyond Abdul which gave occasion under your rule of rehabilitation by the Government.

MR. PUCCIO: It is too late for that. I am sorry.

MR. BROWN: May I finish? I didn't mean -- I was talking to Mr. Puccio.

MR. PUCCIO: I am sorry that I interrupted Mr. Brown.

THE COURT: Mr. Duffy has already gone into many of the non-Abdul payments. But he's making a big hassle over the 6,000 and the 15,000. He's obviously gotten them confused in his own mind. And I can understand why. I just wanted to alert him that there's nothing mystical about the whole thing and it's a perfectly simple explanation.

Now, his testimony may well be inconsistent. And you can exploit that to whatever extent you want.

MR. DUFFY: Your Honor, in Philadelphia he testified that he got 10,000 to supplement the sale price and a $5,000 moving expense. There's no doubt about that.

MR. BROWN: Judge --

THE COURT: The FBI report --

MR. BROWN: Your recollection will be guiding, of course, but I don't recall -- this is my own shortcoming perhaps -- that there was a distinction between Exhibit E and the present day listing in terms of any such exposure. Now,what I understood the list -- the list was to be a supplemental list, and the statement I recall Mr. Puccio making is this, your Honor. We do have the supplemental list and we are correcting the list. And this is the correct list. Now, I realize that -- that perhaps we should have gone further in attempting to get the reason why.

THE COURT: He said it was paid out of two accounts.

MR. BROWN: Of course.

THE COURT: The first list he gave was the Abdul account and the other is another FBI account.

MR. BROWN: But, you see, here is what appeals to my reasoning. First, it was a 137 account, and then extraneous from that originally 137 account due to new FBI procedures, a different account --

THE COURT: You're confusing account with

files.

MR. SROWN: That may well be.

THE COURT: You are talking about accounts.

MR. BROWN: The word was, file.

THE COURT: The Abdul account was on Exhibit E. The two files, the 137 and the 137 Sub A was the attempt to separate individually, identifying documents from those that identified them only by number.

MR. BROWN: Yes. I understand. That's why I thought the separate file did not exclude Abdul.

THE COURT: The one that identified them individually does include the record payments made to him.

MR. BROWN: That's right.

THE COURT: Out of other accounts.

MR. BROWN: That's why --

THE COURT: Actually out of FBI accounts.

MR. BROWN: That's why I failed to preceive the distinction. You see, this is the one instance where you hold the cards. We sit here and have to interpret. And in most instances it's the other way around.

THE COURT: I understand. And I don't particular

like being in that position. But because of the nature of the extremely sensitive material I don't see how there is any other way to handle it. I will tell you, if the Government decides to throw caution to the wind and show precisely what his informant activities have been, I can tell you if I were sitting on the jury my evaluation of his activity is that while he is probably personally a scoundrel, from the point of view of the service that he's rendered to the United States Government, maybe he ought to get a medal. I warn you you may get to that point.

MR. BEN-VENISTE: I would say, your Honor, that we would be entitled to a mistrial if Mr. Puccio tries to elicit that from the witness on the basis of this record, this type of organized crime connection or anything like that outside of the purviews of this indictment which has absolutely nothing to do with that subject matter.

THE COURT: Well --

MR. BEN-VENISTE: We were not warned --

THE COURT: They can explain why these payments were made to him.

MR. BEN-VENISTE: No, sir. Not with a list

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that is provided to us that indicates Abdul Enterprises or ABSCAM related payments. This has nothing to do with ABSCAM. It certainly has nothing to do with our indictment.

THE COURT: Then why do you keep questioning about it.

MR. DUFFY: Because they were given to us.

MR. BEN-VENISTE: The list --

MR. PUCCIO: Judge --

THE COURT: I told you what the file contains yesterday. You didn't listen to me.

MR. BEN-VENISTE: Your Honor did not tell me.

MR. BROWN: I didn't hear that.

THE COURT: Not individually. But I identified for you what his activities --

MR. BEN-VENISTE: But how on earth could we know, if the Court please, that the -- that is why we asked for the underlying material so that we would --

THE COURT: Whatever that may be, now you know.

MR. BEN-VENISTE: All right.

THE COURT: I just wanted to warn you. You may well be walking out on a plank that the Govern-

ment may saw you off.

MR. BEN-VENISTE: Prospectively we are not going to go into that, but it would be -- I think it would be unfair and it would entitle us to make a motion for a mistrial to have Mr. Puccio go back and try to -- now on this record in connection with that $15,000 payment and try to make this man out to be some kind of undercover organized crime expert in some totally unrelated area to this ABSCAM.

THE COURT: He mentioned that he nearly got wasted, that he recovered CDs for the Government. He's touched upon it.

MR. BEN-VENISTE: Let's leave it the way it is.

MR. DUFFY: I am not in a position where I can say, didn't you testify in Philadelphia -- and I've got that testimony -- and then he says ten an five supplementing the price and the moving expenses --

MR. BROWN: You know, a part of the burden which you placed on us also falls on the witness in that we are relying on his testimony where that seems to be consistent with the fact that the payments

come out of Abdul and be guided by that, and I want to put on the record that I appreciate the warning -- and I speak for myself. I will now be guided and not come within that purview. But I would state, too, that up to this point, because of the Court's discretion in denying us these records, which I also do not challenge, we were unable to make these distinctions. And that -- and I believe that from now onward we would be responsible. But I ask you to consider, too, Mr. Ben-Veniste's position, which is that up to this point we were unable to and had no means of understanding the distinction between his testimony which identifys these as being connected with Abdul in a perfectly relevant way as opposed to some of his other adventures with the Government which are totally unrelated to us.

(Continued on next page.)

THE COURT: I think I understand the problem that you each have. And in order that it doesn't in a sense run away with the trial, which it shouldn't, it's a relatively small aspect of it, as far as I can see. Before you attempt to straighten this out, Mr. Puccio, I want you to bring it up at side bar as to what you propose to do because I think perhaps whatever unfairness may be generated by some of the questions we heard thus far or perhaps will hear can be cleared up in the interest of accuracy without overloading the record with what may have been the reason for the payments beyond the service rendered to the Government.

MR. PUCCIO: Judge --

THE COURT: Each of these payments were preceded by requests by the FBI for considerably more than what was actually authorized.

MR. BROWN: I understand. But I believe within the purview of the witness' ability to recall -- I am not criticizing him for that. If he had simply answered, well, this isn't connected with this business,we would be off it. But I don't think even has a clear recollection.

THE COURT: I don't think he has.

MR. BROWN: If we are guided by the Government and we are barred from certain material which your Honor in his discretion and judgment says that we shouldn't have, then we are out on a limb. And that lightweight saw that they have advertised on T.V. --

MR. PUCCIO: What I say I would like to do, as your Honor indicated, that I can make an evaluation of what we want to elicit and then bring it before the Court. It may well be that we won't come back into it. But I don't want to waive it. And I also want to say that Mr. Furst had requested at the time we had the 137 file all of the payments even going back to the '60s. And at that time I indicated that it didn't seem particularly relevant. But in light of the examination I have requested someone to go through all the files. And that was my reason. But I think --

THE COURT: Don't go into any rehabilitation explanation of putting a witness on with the files to explain what they were without first discussing it at side bar.

MR. DUFFY: Look at the trap that I am in, sir. We get this document from the Government that says these are the payments to Mel Weinberg. Nothing

about that there payments for heroism above and beyond the call of duty. We have to assume that anything from '78 on is an ABSCAM payment. I think that is the proper construction of what they gave us. We have this witness under oath more than a month ago in Philadelphia explaining certain payments, swearing that this is why he got the money. And then I get sucked into cross examining him on a change in his testimony now from what he gave under oath in Philadelphia. And that's supposed to light the fuse and let the Government blow me away. I don't think that that is ethical.

(Continued on next page.)

Weinberg-cross-Duffy

(The following took place at the side bar.)

MR. BEN-VENISTE: May I fasten on to something here?

THE COURT: Yes.

MR. BEN-VENISTE: The Court has mentioned a request of the witness for more money on various times. If those requests relate to ABSCAM related endeavors, I have no way of knowing whether they do or do not, but we would be entitled --

THE COURT: There is no indication in any part of the two files that I went through, Court Exhibit 4 and 4-A, that indicate any request at all by the witness Mr. Weinberg for money.

MR. BEN-VENISTE: That answers that question.

MR. CACHERIS: Are there any underlying documents that go with that list the government has like for example if there is a request for a reimbursement that it emanates from the witness? All we have is the cold list.

THE COURT: There is nothing in the file that is from the witness. Everything in the file is an FBI memorandum of one sort or another with the exception of entirely irrelevant materials the witness has supplied, documents which have been

obtained in the course of his undercover activities.

MR. CACHERIS: It seemed to me for the government to pay expenses as distinguished from $3000 must be something -- there must be something in the file to justify the expense. I think we are entitled to that.

THE COURT: No. I can't respond to that. It's not in the file that I read.

MR. PUCCIO: Mr. Cacheris is probably referring to the use of the word compensation on the top of the list. The use of the term is generous because it turns out some of those figures are returns of monies that the witness laid out.

THE COURT: As the witness has testified.

MR. PUCCIO: Yes. The title is misleading.

THE COURT: You can see all the odd figures are expense reimbursements.

MR. CACHERIS: He said he was reimbursed. It's appropriate to find out what records exist from the expense either from the witness or from the government.

THE COURT: I am not sure what relevancy that might have.

MR. PUCCIO: The implication may be he was

paid additional compensation through the use of the device "expenses."

I will check on that.

MR. CACHERIS: The implication is that the expenses are phoney.

MR. PUCCIO: I have no knowledge of that but I will check.

THE COURT: There is no record of it.

MR. CACHERIS: I make the request.

THE COURT: All right.

(The following took place in open court.)

THE COURT: I am sorry for the interruption, ladies and gentlemen. I think we have straightened out our problem and we may proceed.

Mr. Duffy.

CROSS EXAMINATION

BY MR. DUFFY: (Continuing)

Q Mr. Weinberg, let's go back to Mr. Goberman, do you remember him?

A Yes.

Q I am not certain that I understood what we talked about yesterday, I just have a few questions in this area.

Do you have -- did you have some dealings with

Mr. Goberman?

A I did.

Q He is the building contractor from Lancaster, Pennsylvania, is that correct?

A Yes.

Q He was the fellow who had the hotel down in the Islands, is that correct?

A That is correct.

Q Did you swindle him for any money at all?

A I did.

Q Oh, all right.

Can you tell the jury how much?

A Approximately $10,000.

Q He settled for 2500?

A Yes.

Q Of what was that $10,000 composed?

A I don't follow the question.

Q Did you take $10,000 in cash or part of a diamond ring?

A No, in three payments.

Q What were they?

A I think it was 2500, 5000 and 2500.

Q How about airline tickets, did you get any airline tickets from him and then cash them in?

A Not that I remember.

Q $1539 ticket deal from New York to Tokyo to New York, and did you cash that in?

A I didn't.

Q Did you get tickets from him from New York to London to New York, $753?

A Yes.

Q You cashed that in?

A No, I didn't.

Q You went to London?

A That is correct.

Q Did you get another ticket from him for London to New York, $375?

A I guess so.

Q Did you cash that in?

A No.

Q Is that counted at all in the $10,000 that you told the jury about?

A No.

Q How about a diamond ring, did you get a diamond ring from him?

A No, I did not get a diamond ring from him.

Q Are you familiar with Bach Jewelers, 33 North Queens Street, Lancaster, Pennsylvania?

A No.

Q Harry Winston, Inc., loose diamond division, 718 Fifth Avenue, New York, New York?

A Yes.

Q Did you sell a diamond ring to them or buy one?

A I picked up a ring for Mr. Goberman's girlfriend.

Q Oh.

It was for the girlfriend?

A His girlfriend.

Q 3.28 carats?

A I don't know.

Q How much was it?

A I haven't the slightest idea.

Q $3600?

A I don't know what the price was.

Q In January of this year, Mr. Weinberg, did you lose some of the tapes that you made under tape recordings?

A I had three or four tapes stolen out of my bag with my cigars at the airport.

Q What flight were you on?

A I think it was Flight 180. I am not sure of the flight number.

Q What airline?

A National.

Q What day?

A I think it was January 23rd.

Q 1980?

A 1980.

Q From where to where?

A West Palm Beach to New York. LaGuardia.

Q When you arrived here, did you open your bag?

A When I got to the hotel I opened my bag.

Q There were no tapes?

A No tapes and cigars were gone.

Q Were there more than four tapes in the bag?

A No, approximately three or four tapes.

Q Were the tapes that were taken all of the tapes that were in the bag?

A They were in that pocket, yes.

Q Did you have other tapes in the bag that were not taken?

A No.

Q All the tapes you were carrying in the bag were stolen?

A That is correct.

Q Can you tell the jury, without going into the

contents of the tapes --

A I really don't remember who the tapes were on.

Q Can you tell the jury how old the tapes were?

A Approximately a week old or so.

Q Did you make inquiry of National Airlines -- did you complain to them, say I lost some tapes, somebody stole them?

A The FBI made an investigation on it.

Q The ticket was in your name, wasn't it?

A Yes.

Q You didn't fly under an assumed name?

A No.

Q Where did you get the ticket?

A Bought it in West Palm.

Q From National Airlines?

A No, a travel agency.

Q The ticket was made out to Melvin Weinberg, was it not?

A Yes.

Q Did Melvin Weinberg go to the National Airlines and say: My bag was broken into and I lost four tapes and some cigars?

A When I found out they were stolen out of the bag I reported it to Agent Amoroso. He called John Good.

John Good called up West Palm Beach office and checked there and they called Kennedy Airport, FBI office, to check on National.

Q Were you there when Good did that?

A On the phone?

Q With Good.

A I was in the room when Amoroso spoke to Good.

Q The rundown is you lost the tapes and you told Tony Amoroso because he was your supervisor, is that correct?

A That is correct.

Q He assured you inquiry was being made by the FBI?

A That's what he said.

Q When -- strike that.

Did you ever lose anything any other time while flying?

A I had cigars stolen once before out of there.

Q Do you know what the normal procedure is when you lose something, you go to the airline and fill out a baggage claim lost, or ticket --

A I didn't do that.

Q My question is, do you know that is what is done?

A No, I didn't know that was done.

Q Did you ever do that yourself?

A No.

Q When you were robbed before?

A No, I didn't.

Q Do you know if there was any baggage claim, lost claim, made in this case?

A No claim made.

Q Can you tell the jury whether you discussed that with Good and Amoroso?

A I did not discuss it with Good or Amoroso.

Q You never went back to National Airlines and filled out a form?

A No.

Q You don't know what was on the tapes and when they were made?

A I tried to remember the time, what was on the tape, I don't remember if I told them. Right now I don't remember what was on them.

Q Did you make out any written report to your supervisor about the loss of the tapes?

A No, I didn't.

Q Do you remember -- changing the scenario -- do you remember July 26, 1979, the first day you met Lou

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Johanson?

A It was on the boat?

Q Yes.

A Yes.

Q You had talked to him on the telephone before he came down to Florida?

A That is correct.

Q You told him: We will have a meeting and examine your documents, is that correct?

A That is correct.

Q When Mr. Johanson came down with Howard Criden and Mr. Heiler and the Mayor, he and Criden brought with them certain documentation that had to do with this piece of property in Atlantic City?

A Yes.

Q Do you remember whether there was a feasibility study?

A Not offhand.

Q Do you remember whether there was a financial plan?

A Not offhand.

Q Does Laventhol & Horwath ring a bell?

A No.

MR. DUFFY: May I approach the witness with

Exhibits G and H?

THE COURT: Yes.

Q I ask you if you saw them on July 26th in connection with the Atlantic City hotel deal?

A I don't remember seeing them.

Q Do you deny that those items or identical items were submitted to you and Amoroso?

A I don't remember. I can't deny it.

Q But, you had experience with real estate wheeling and dealing, did you not?

A That is correct.

Q You have examined these two documents, G and H, and they do appear to be feasibility studies and financial plans?

A They were a financial plan and feasibility study.

Q Between July 26th, 1979 and today, how many times did you ever see Lou Johanson after July 26th?

A I never seen him after July 26th.

Q You never talked to him either?

A Just on the day before when I spoke to him on the phone.

Q Really the 14th of July?

A Yes.

Q When you talked to him on the phone that day, you asked him if when the deal went through he would have a part of the action, did you not?

A I don't remember.

There is a tape on it, it should be in the tape.

Q Do you remember him telling you if he was in for something he would hold it up front in the open?

A I don't remember. If it is in the tape.

Q Do you remember him saying he was like a graduate of the seminary?

A No.

Q Everything was honest and above-board?

A I don't remember.

Q You don't deny it?

A I don't deny it, he may have said it.

(Continued on next page.)

Q Now, was that time, July of 1979, the first time that you and the other folks involved in ABSCAM began to focus on politicians?

A No, because as far as -- actually no, because we dealt with the Mayor before that.

Q You also dealt with Joe Meltzer?

A I never dealt with Joe Meltzer.

Q Was the Miami deal -- what was going on in Miami with Abdul Enterprises, was that considered ABSCAM?

A I don't know anything about the Miami deal. As far as I know, Abdul had nothing to do with Miami.

Q You made some money down in Miami, did you not?

A That is correct.

Q You considered that to be all part of ABSCAM, did you not?

A I was working with an agent.

Q Gunnar Askeland?

A Yes.

Q He went by the sham name of Gunnar Anderson?

A Yes.

Q He ran Joe Meltzer?

A I don't know.

Q Are you telling the jury you don't know that Gunnar Anderson was Joe Meltzer's supervising agent?

A I don't know who Meltzer's supervising agent was, it was none of my business.

Q Didn't you talk to Meltzer on the telephone and talk about that?

MR. PUCCIO: I object. This was asked and answered and it is irrele ant.

THE COURT: Overruled. The last question is two questions, though.

Q Did you talk to Meltzer on the telephone?

A I spoke to Meltzer and told him to knock off what he was doing.

Q Specifically didn't you mention Gunnar Askeland?

A I told him I was going to tell Gunnar.

Q You were going to tell Gunnar even though you didn't know Gunnar?

A Gunnar was the agent I dealt with down there, I would tell him.

Q You knew that Joe Meltzer had a thing going with Gunnar Anderson and provided for him to try to give money to a local politician in Florida as early as the summer of 1978, didn't you?

A No, I did not.

Q You never talked to Meltzer specifically about that Councilman William Medlen?

A I had nothing to do with that.

Q You knew about it?

A I heard rumors but I didn't know what was going on.

Q Going back to when you were down in Florida, Mr. Weinberg, I have a note that yesterday you having said you bought the Lanier recorder, is that correct?

A Yes.

Q Someone aksed you, did you buy it in the store, and I think you answered no, is that correct?

A That is correct.

Q Tell the jury where you were when you bought the Lanier recorder?

A On the yacht. In Del Ray Beach.

Q A salesman came?

A Yes, and Mr. Amoroso bought one for him and one for me.

Q You were aboard -- was he a yacht-to-yacht salesman?

A No, we called him up and he came down to the yacht.

Q Just a few more questions.

When you were arrested back in connection with the Pittsburgh prosecution, the one we talked about yesterday, did you tell people in the FBI about everything you had been doing for the prior dozen years or more?

A Well, they must have known about it. You told me there were sixty counts against me across the country.

Q My question is, did you tell the people in the FBI everything you had been doing for the last dozen years or so?

A I think I did.

Q In fact, you started to work with the Bureau in the early sixties, is that correct?

A That is correct.

Q While you were running scams on other people, swindles on other people, you were then an FBI informant, is that correct?

A That is correct.

Q Did you ever tell the FBI that you had any swindle going with some American Indian?

A No.

Q Did you have such a thing?

A No, I did not.

Q No mining swindle with American Indians?

A No.

Q No swindle with any kind of shares or certificates with American Indians?

A No.

Q Any kind of Indian?

A I was involved with a Yaqui Indian.

Q What kind of Indians?

A Out of Mexico, Yaqui.

Q Spell that?

A No, I can't.

Q Did you tell the FBI you had a swindle with them?

A They swindled us.

Q Let me follow up on that.

Was that the deal that the Indians gave you a contract?

A That is correct.

Q And then after you got swindled you figured you should have known, where would Indians get a typewriter?

A Yes.

Q Is that correct?

A That is correct.

Q But your resourcefulness came to the front?

A Yes.

Q Because the certificates they sold you, you palmed off on others for a thousand dollars apiece?

A Yes.

Q You didn't stay stung long, did you?

A That is correct.

Q Is it fair to say that you have lied in this case particularly back when you met my client Lou Johanson?

A No, I have not lied to your apartment.

Q Not my apartment, my client.

A Your client.

Q You didn't lie to him?

A Not to my knowledge.

Q You didn't tell him there was a Sheik when there was no --

A You want me to tell him I was an undercover operator?

Q I want you to answer my questions.

Didn't you like to the man?

A I told him a story.

Q You lied to Howard Criden?

A Where did I?

Q The first day on the boat when he came down with a business proposition, you acted like a representative

of a Sheik you didn't represent?

A That was my job.

Q All right.

I'm not quarreling with your motives, I am asking you, did you lie to Criden that day?

A If you call that a lie, yes.

Q There was another fellow named Meiler?

A That is correct.

Q He is dead now?

A I didn't know that.

Q You lied to him that day?

A That is correct.

Q From that day on, as regards to business relationships with the deal in Atlantic City, you never told them the truth, did you?

A I don't think they were telling us the truth either.

Q My question is, you never --

A We told some of the truth.

Q Just a couple of more questions.

When this is all over, when these trials are all over, you are in for a bonus, aren't you?

A I don't know that.

Q You talked about it?

A I haven't talked to anybody about getting a bonus.

Q You're denying that John Good and you have talked about you getting a bonus after the cases are over?

A I have not spoken to John Good or asked him for anything.

I suspect something, but I don't know that.

Q I didn't hear.

A I suspect I will get something after this is over. I haven't the slightest idea what I am going to get.

MR. DUFFY: I think I will end with that.

THE COURT: We will take a short recess, ladies and gentlemen.

Don't discuss the case.

(Recess taken at this time.)

* * *

(Whereupon, the jury enters the jury box.)

THE COURT: All right, Mr. Duffy.

CROSS EXAMINATION

BY MR. DUFFY: (Continued)

Q Mr. Weinberg, of all the information you told this jury yesterday and today, how much did you tell the Grand Jury who indicted the defendants?

MR. PUCCIO: I object.

THE COURT: Sustained.

Mr. Ben-Veniste, cross examination?

MR. BEN-VENISTE: May I?

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, is it fair to say that the scenario that you used in this ABSCAM was based on the premise that you had something to offer the people who you were ble to lure in that was almost too good to be true?

A I wouldn't say that.

Q Well, would you say that the -- you said you were working for a couple of Arabs who were incredibly wealthy?

A That's correct.

Q I am sorry. I can't hear you.

A That's correct.

Q And you said that they had boats -- yachts, rather?

A They had a yacht.

Q Private airplanes that they flew around in?

A They had one plane.

Q But didn't you say, planes?

A We said, plane.

Q Well,when you say they had one plane, you don't mean that anyone actually had a plane?

A We had the use of a plane.

Q You did have use of an airplane, but -- but in terms of what you told the marks, you had several airplanes?

A That's correct.

Q And you had an extremely fancy apartment -- townhouse, that the jurors have seen watching the video tape here, in Washington?

A That's correct.

Q -- And isn't it true that that house was filled with antiques, the Smithsonian Institution that were borrowed?

A Supposed to be.

Q Well, what do you mean? You mean supposed to be borrowed?

I'm sure they gave them back?

A I don't know which ones were the antigues or not.

Q All right.

So you had all the trappings of a situation that was for the person who didn't know that it was all a lie very attractive; is that correct?

A That's correct.

Q And on top of all of that somebody had made arrangements with the Chase Manhattan Bank, hadn't they?

A That's correct.

Q And the Chase Manhattan Bank had promised to say to anyone who made an inquiry about Abdul or these Arabs, that they had over 400 million dollars sitting in that bank in some form or another?

A That I don't know.

Q Well, didn't you tell anybody that in the course of this investigation?

A I told them that we had that, but I don't know what the bank told them.

Q Well, you know if someone called the bank, the bank wasn't going to say, Mel who?

A I never gave them my name to check out.

Q Well, you knew that when someone called the bank,the bank was going to provide information consistent

with your scam?

A I don't know what the bank gave them.

I haven't the slightest idea what the bank told them.

Q Are you telling this jury you haven't the slightest idea that the bank backed up the story about the 400 million?

A I said I don't know what they told them.

Q Do you know? If you don't know, tell the jury.

Do you know whether the bank backed up the story, whatever it was they told the individuals?

A They must have backed up part of the story.

Q Okay.

Now,to have a bank say something like that is a con man's dream, isn't it?

A That's correct.

Q I mean in all the things you could rack your brain for if you were setting up a scam, to have an actual bank like the Chase Manhattan Bank vouch for you would be at the top of the list, wouldn't it?

A That's correct.

Q Because any legitimate businessman who called up or had his banker check with Abdul's banker would get a

completely bill of health for Abdul?

A Tha's correct.

Q So that whatever they might think of how you looked or how you sounded, there was this background that it must be true because Chase Manhattan says it's true, right?

A That's correct.

Q As a matter of fact, everybody else used a pseudonym, an undercover name, false name except you, right?

A Correct.

Q Because it's a part of your concept of this scam that you are not supposed to be entirely loyal to your employer, right?

A No, that wasn't true in the beginning.

Q Well,as it was true in July of 1979 -- wasn't it true?

A In '79,that's correct.

Q Okay.

As of the time you met Howard Criden for the first time, it was a part of your scam that you weren't supposed to be entirely loyal to these Arabs?

A That's correct.

Q You were out to make a piece of change for

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yourself?

A Correct.

Q Now, that was also the case when you ran the London Investors scam, the one that you got convicted of?

A No, that wasn't correct there.

Q Well, didn't you tell people in that scam that you had access to huge amounts of Arab money?

A That's correct.

Q Didn't you tell them that if they gave you a little present like a diamond ring or something along those lines that you could be especially helpful?

A That is not correct.

Q I see.

Was there any connection between the fact that these were Arabs and somehow you had managed to gain their confidence, and your name is the name of Jewish derivation?

A The reason I kept my name is --

Q Answer my question. Is there any connection between that?

A No.

Q Isn't it a fact that you wanted it to appear you were more than willing to relieve these Arabs of some

money, that everybody could make money?

A When they approached us on it, we said, yes.

Q Okay.

And didn't you refer to these Arabs as the goose that laid the golden egg?

A That's correct.

Q And they were there for the plucking?

A Correct.

Q Now, let me show you what has been marked Exhibit I.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q Can you identify that, sir?

A Yes. That's my business card.

Q Well, is that really your business card or is that the card that you gave out?

A This is was my business card from the running of Abdul Enterprises, International Fulton Ltd. down in Florida.

Q Do you know when that card was printed up?

A Probably around March, '79 or April.

Q Did you have a card like this when you were running the other scam, the London Investors scam?

A That's correct.

Q Pretty much the same as this?

A That's correct.

Q Was it the same as this?

A It wasn't exactly the same. The printing was different.

Q But it had the same information, didn't it?

A I don't really know. I have to look at the card.

Q Take another card?

A No. I have to look at the London Investors' card.

Q Do you remember, sir?

A That was some time ago.

MR. BEN-VENISTE: We offer this.

MR. PUCCIO: May I look at it?

MR. BEN-VENISTE: Sure.

MR. PUCCIO: No objection.

THE COURT: Exhibit I received in evidence.

(So marked.)

MR. BEN-VENISTE: I put the sticker on the back, your Honor.

Q Now, if someone looked closely at this card, they would find something wrong with it, wouldn't they?

A That's correct.

Q And they would find that you made a slight spelling error?

A That I didn't notice myself.

Q What would they find that was incorrect?

A There was no Telex number.

Q I see.

Take a look at it again and see if there -- if you look at it closely there is something wrong with it other than the fact that the whole thing is a fake?

A I don't see anything wrong with it.

Q Do you know how to spell that place in Switzerland called Zurich?

A I think I do.

Q Spell it?

A Z-u-r-i-c-k.

Q That's the way it appears on your card. But it's not really spelled that way, is it?

A I don't know.

Q It is spelled Z-u-r-i-c-h.

Didn't you say that the -- that these Arabs

came from the United Arab Emirates?

A That's correct.

Q And did you know anything about the United Arab Emirates?

A Nope.

Q But you knew that the Chase Manhattan Bank would say that these Arabs had 400 million dollars on deposit?

A I don' know what the Chase --

Q But you know --well you knew they would back you up?

A I knew that they would back us up to say we had money on deposit.

Q Okay.

Now,supposedly this idea that came up -- that came up down in Florida, to say that the Arabs were interested in immigrating to the United States because of political conditions in their country, had to do with something about the United Arab Emirates?

A I don't follow your question.

Q Well, I am sorry. It probably is confusing.

The scam that you employed to try to lure politicians in to see whether they would meet with you or with the Sheik or with both of you was that the -- these

fat packed Arabs might need to leave their countries because of political conditions?

A Right.

Q I am sorry, I didn't hear you?

A That's correct.

Q And the -- do you know what the population of the United Arab Emirates is?

A I haven't the slightest idea.

Q Would you accept 210,000?

A If you say so.

Q Would you accept -- strike that.

Do you know what the size of the United Arabs Emirates is?

A I haven't the slightest idea.

Q Would you accept it as about the size of the State of Maine?

A If you say so.

Q Do you know what the per capita income of the United Arab Emirates is? That is, the average income for every adult family?

A I haven't got the slightest idea.

Q Do you know whether it's above that of the United States of America?

A I really don't know.

Q Well, part of the thing was that these peasants were supposed to be unhappy with the ruling class, right?

Part of your scheme for the Arab Sheiks wanting to come to America was that the peasants would have to be unhappy? There was going to be a revolution? That was part of you scam, wasn't it?

A We didn't say there was going to be a revolution.

Q Didn't you say they were worried that they would have to flee their country and seek asylum in the United States?

A They may have to leave their country at some time.

Q Okay.

Didn't this have to do with political unrest supposedly?

A Could be many reasons why they had to leave.

Q Didn't you talk about politial unrest?

A We spoke about a lot of things.

Q Well, Mr. Weinberg, you mentioned this in the context of a dictator named Somoza who got kicked out of his country, right?

A Yes.

Q You mentioned it in terms of the Shah of Iran who got kicked out of his country?

A All right.

Q So isn't it fair to say in that context you were talking about political -- some kind of political upheaval?

A I don't think we ever used, political.

Q Okay.

Social unrest?

A We may have said they wanted to get out of the country because they were robbing the country.

(Continued on next page.)

Q I see. Do you remeber saying that?

A I said we may have.

Q I see.

Do you know that the per capita income is $18,500? That's the per capita income of the people who live there? Do you accept that?

A If you say so.

Q Well,for 50 cents you can get a thing from the State Department that tells you all about it.

THE COURT: Is that a question.

Q Can't you?

MR. BEN-VENISTE: Withdrawn,your Honor.

Q Do you know that the country has only one export oil and that's why these people are so wealthy?

A No, I don't know that.

Q You didn't know it was an oil producing country?

A I knew it was an oil producing country.

Q Did you know that almost all of the country is desert where it's 120 degrees in the shade?

A I didn't know that.

Q Did you ever hear of a revolution in that kind of weather?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q Did you know whether the United Arab Emirates had any political dissent.

MR. PUCCIO: I object.

THE COURT: Sustained.

Q Do you know whether the United Arab Emirates had any political parties?

MR. PUCCIO: I object, Judge. Irrelevant.

THE COURT: Mr. Weinberg, do you know anything about it other than what you have already told us?

THE WITNESS: Nothing whatsoever, your Honor.

MR. BEN-VENISTE: I will move on, your Honor.

THE COURT: All right, good.

Q Did you refer to yourself, Mr. Weinberg, as a special employee of the FBI?

A No.

Q Never did?

A No.

Q Do you remember being asked this -- the question at 3.80 in Philadelphia.

"Question: Were you advised you were going to be a special employee of the FBI?

"Answer: That's correct."

A No, I didn't say -- you asked me if I was a special employee. So I said, it's correct. I was employed by the FBI.

Q Do you recall saying --

"And were you advised that you were going to be a special employee of the FBI?

"Answer: That is correct."

Do you recall being asked that question and giving that answer?

A If it's in there, I must have answered.

Q Now, in the FBI, Mr. Weinberg, we have heard about special agents. Are there any agents that are not called special agents?

A Not that I know of.

Q All the agents are called special agents?

A Correct.

Q Are all the employess called special employees?

A I don't know.

Q Is there such a thing as a very special agent?

A I really don't know.

Q Now, quite clearly, Mr. Weinberg, your accomplishments, financial accomplishments in life have been based on your ability to get people to do what they didn't

think they wanted to do; isn't that so?

A I guess you'd say that.

Q In connection with the London Investors scam, the one that you got the three years for, did you say that Lady Evelyn Knight was in some way related to a prominent family?

A I don't really remember.

Q Didn't you say that to these marks, to these people whose money you stole, that she was related to the Knight newspaper family?

A That was said by somebody who was working for the company.

Q Did you ever tell anybody who was told that, no, that is not right? This person has made a mistake?

A Not to my knowledge.

Q You held out in this scam, either you or somebody working with you that she was related to a prominent family and that was helpful, wasn't it?

A Not really.

Q I see.

In ABSCAM, wasn't it held out that an undercover FBI agent who went by the nameof Margo Kennedy was related to the Massachusetts Kennedy family?

A Not that I know of.

Q You never heard that?

A I never heard that.

Q As you sit here in this Courtroom, you are telling the jury that this is the first time you heard that, Mr. Weinberg?

A That she was related to the Kennedy family?

Q Right. That either she said or someone said about her that she was related to the Kennedy family of Massachusetts?

A I never heard that before.

Q Now, Mr.Weinberg, the first agent who was supposed to supervise you was John McCarthy in the ABSCAM investigation; is that right?

A That's correct.

Q Now how old is John McCarthy? Do you know?

A I would say he's in the forties.

Q Late forties?

A No, early forties.

Q Does he have white hair?

A I guess you would call it white hair.

Q Is he pretty much a straight arrow? Would you say that is a fair --

A I don't know what you mean by a straight arrow.

Q Does he look like a straight arrow?

A I guess you'd say that.

Q I mean you spent your whole life sizing up people. Would you size him up as a straight arrow?

A Not really.

Q When you say, I guess you could say that, what do you mean?

A He looks more like a Police Sergeant.

Q He looks like a cop, right?

A That's correct.

Q And he acts like a cop because he is a member of the FBI? Didn't he --

A I don't know if he acts like a cop.

Q Well, he's not a swinger?

A I don't know what a swinger is.

Q You don't know what a swinger is.

You don't know what that refers to?

A I don't know what you mean by a swinger.

Q A person who -- like he frequents night clubs or is used to high living and traveling on jets and first class, the kind of thing that you were trying to portray as your own life style in the Abdul ABSCAM investigation?

A He can get by.

Q If he looks like a Police Sergeant are you

telling this jury that he would be that? The kind of person you would cast in the role of your associate?

A Well, I personally wouldn't have cast him, but he got by.

Q He got the part at first.

But you got unhappy with him?

A No, I really didn't get unhappy with him.

Q You didn't like that he was sitting on you, did you?

A That's not true.

Q You were much happier when Mr. Amoroso came in and took over for Mr. Weinberg?

A Mr.Weinberg?

Q I'm sorry. For Mr. McCarthy.

A Well, Mr. Amoroso --

Q Were you happier or not?

A No, I wasn't happier.

Q You were just the same?

You felt the same way about Amoroso as you did about McCarthy?

A Approximately the same.

Q You didn't think that Mr. Amoroso was more of a swinger,could play the role?

A I don't know what a swinger is.

Q I see.

MR. BEN-VENISTE: May I have a moment, sir?

THE COURT: Yes.

Q Part of what you said yesterday when Mr. Duffy was cross examining you right at the beginning was tha a con man tries to implore whatever seeds of truth he can weave into the fabric of the scam; is that right?

A That's correct.

Q So that you try to use as many variable facts when you are trying to pull the wool over somebody's eyes, right?

A That's correct.

MR. BEN-VENISTE: I am going to mark as Exhibit J for identification a tape recorder and an ear piece all as one Exhibit.

May I approach the witness, your Honor?

THE COURT: Yes.

Q Take a look at the tape recorder and the ear piece and see whether it is of the same type and model that you referred to in your testimony so far?

A It is the same type, but it is not exactly the same.

Q What is different about it?

A The battery case is different.

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Q Where is the battery case on the one you had?

A Down here. But it's small.

Q A little smaller?

A That's correct.

Q Any other difference?

A I don't see any other difference.

Q All right.

Now, is the ear piece the same ear piece as the one you employed to tape record telephone calls?

A That's correct.

Q All right.

Is there any other difference that you can notice?

A No.

Q The type of a jack that goes into the leads in the ear piece is the same?

A The cord was much shorter.

Q The cord was much shorter?

A That's correct.

Q How much shorter?

A I'd say to about here.

Q So you say there is about an extra 14 inches or so?

A Looks longer to me than 14 inches.

Q Well, this much, for the jury to see.

THE COURT: Try 20.

MR. BEN-VENISTE: 20, Judge.

This much (indicating).

Q And the original has been produced for expert analysis, has it not?

A That I don't know.

Q I thought you said yesterday that you knew that the experts were looking at this?

A I knew the experts were looking at it. I don't know where mine is.

Q I see.

Didn't you turn it over to Mr. Puccio?

A I turned it over to Mr. Puccio.

MR. PUCCIO: We turned over the report to defense counsel.

MR. BEN-VENISTE: To the expert.

MR. PUCCIO: Well, to defense counsel or to the expert, whoever.

MR. BEN-VENISTE: Okay. Not to us. It was always in the FBI custody.

(Continued on next page.)

Q Now, Mr. Weinberg, when you made these tape recordings in Florida, in July of 1979, sir, you made them in a screened off porch, is that correct?

A That is correct.

Q You sat at a table or near a table?

A Near a table.

Q I think Agent Amoroso had testified that the table was about this height (indicating)?

A Right.

Q The telephone was on the table?

A Telephone wasn't near the table.

Q Where was the telephone?

A Over on the side.

Q In the same room?

A Yes.

Q You didn't pull the table over near the phone?

A No.

Q You didn't move the telephone over to the table?

A I was resting it over on the floor and pulled the receiver up.

Q You sat in a chair?

A Yes.

Q What kind of a chair?

A Swivel chair.

Q About the same height as this (indicating)?

A Yes, approximately.

MR. BEN-VENISTE: I would like for the witness to demonstrate for the jury how he sat when tape rcording July 29th and July 31st.

THE WITNESS: I can't answer how on July 29th and 31st. I didn't sit the same way all the time.

Q Sit down here and let the jury see what you did to tape record the phone calls?

MR. PUCCIO: I object. The witness can't remember how he sat.

THE COURT: I don't see what it accomplishes.

MR. BEN-VENISTE: I think it is going to be quite relevant. I can make a proffer at the side bar.

THE COURT: Everytime we go to the side bar it takes a half hour.

You now produced a tan telephone you're asking to be marked as an Exhibit?

MR. BEN-VENISTE: I certainly am, Judge.

Q What was the floor like in the room?

A Concrete floor with a carpeting on it.

Q Indoor-outdoor carpeting?

A Yes, that is correct.

MR. BEN-VENISTE: I will mark the telephone exhibit A.

THE WITNESS: That is not the phone I used.

Q I am sure it is not.

But did you have a phone with a receiver?

A A square receiver on top.

Q Square?

A Yes.

Q Square receiver?

A That is correct.

Q What about the ear piece?

A You had to force it on there.

MR. PUCCIO: I object to the use of this. If it's not an accurate representation of what was used, I object.

I further object to the use of a recorder if it is not the same.

MR. BEN-VENISTE: I didn't put any tape in it.

THE COURT: I am not sure precisely what Mr. Ben-Veniste thinks he is doing. As far as your objection is concerned, it is overruled. If the jury understands we are dealing with a tape

recorder not the tape recorder used at that time, a chair that was not the chair at that time, a table that was not the table at that time, and we are supposed to illustrate something --

MR. BEN-VENISTE: Yes.

MR. PUCCIO: May I add the ear piece is not the same ear piece.

THE COURT: All right.

Q I would like the witness to sit in the chair and arrange the material and get him a little more room.

Mr. Puccio, would you cooperate and give the witness a little more room?

THE COURT: You're asking him to arrange the material in the relative position where they were with reference to the table, is that right?

MR. BEN-VENISTE: Yes,sir.

Q You had carpeting like this, more or less (indicating)?

A Yes.

MR. PUCCIO: I object to this, it is ridiculous.

THE COURT: Have you marked the carpeting as an Exhibit?

MR. BEN-VENISTE: That will be Exhibit L.

THE COURT: In a minute I will pretain the

objection.

MR. BEN-VENISTE: Your Honor I can't help the laughter.

THE COURT: You are carrying it too far and playing to the gallery. Stop it.

MR. BEN-VENISTE: I apologize if that is the impression I am creating.

THE COURT: It is precisely the impression you are giving.

Q Mr.Weinberg, would you demonstrate to the jury how you say that the tape recorder fell in the middle of the conversation on July 29, 1979?

A The phone with the short cord is like this (indicating), I went to pick up the other phone, when I pulled this, the machine went down (indicating).

Q Pardon me?

A If you had the right cord, when I went to pick up the other phone, I swung over and she went down (indicating).

Q How many times did that happen on the 29th?

A I don't know how many times. I know it happened quite a few times.

Q On the 31st did it happen too?

A I don't know offhand.

Q But you did nothing, you say, to correct the situation of the tape recorder falling on the floor?

A Yes, I had it fixed.

Q The tape recorder fixed?

A Yes.

Q When did it get broken?

A When I dropped it.

Q It broke when you broke it on the 29th?

A I had trouble about a week or two after that, I had to get the battery on the bottom replaced.

THE COURT: Are you through with the demonstration?

THE WITNESS: This is the battery pack (indicating).

MR. BEN-VENISTE: I would like the witness to demonstrate all the way through for the jury just what happened.

MR. PUCCIO: Judge, I object to this. As I understand it, he already did.

THE COURT: Is there something different from what you've shown us, Mr. Weinberg?

THE WITNESS: No.

THE COURT: Asked and answered, you may resume the witness stand.

Q On the 29th you weren't able to catch the tape recorder before it fell down?

A I didn't know it was going to fall.

Q You weren't able to catch it?

A No, I wasn't.

Q You say that it fell off the table and stopped recording, is that correct?

A I didn't say it fell -- I know when I picked it up I pushed the button back on. You have a button to record.

Q The record position is one that you press in the up position to record?

A Yes, there is no tape in it now.

Q But you press it up to record?

A Yes.

Q When it fell on the floor you remember you had to press it up?

A Back up, yes.

Q On the 31st the same thing happened?

A I don't know.

I've got to see the tape.

Q You have to see the tape?

A Or the transcript. Is there a break in the transcript?

Q Do you know?

A I don't know. You're telling me.

Q Didn't you say you listened to the transcript in your testimony before the jury? I'm sorry, didn't you say you listened to the tape in your testimony?

A Yes, I listened.

Q Did you hear a break?

A I didn't hear anything.

Q Don't you know you stopped that recording in the middle, Mr. Weinberg?

A I never stopped a recorder.

Q Listen to the question.

Don't you know that on the 29th of July, 1979, Mr. Weinberg, you deliberately stopped recording in the middle of the conversation so as not to record a portion of the conversation?

A That is a lie.

Q Is it not a fact you did the same thing on the 31st of July, 1979?

A I never stopped any recording.

Q You were given instructions to put in a fresh tape for every conversation, is that correct?

A That is correct.

Q That you were to record, is that correct?

A Yes.

Q You got those instructions back in March of 1979, is that correct?

A That is correct.

Q You were told to record all the conversations, were you not?

A Whatever conversations I was able to record I recorded.

Q Were you instructed to record the full conversation?

A That is correct.

Q Let's go to July 14, 1979, sir.

Is it true that that was the first time you had ever heard of Louis Johanson?

A That is correct.

Q And Lou Johanson spoke to you briefly on the telephone that day, introduced by Mayor Errichetti?

A That is correct.

Q I think Mr. Duffy asked you whether or not it is not a fact what you discussed was the question of a proposed hotel and casino in Atlantic City?

A That is correct.

Q You had no discussion with Johanson about any other subject that day, did you?

A Not that I remember.

Q And Mr. Johanson told you, did he not, sir, that his law firm was representing some individuals who were interested in the construction of such a hotel -- casino on the Boardwalk in Atlantic City?

A I don't remember him telling me about his law firm. Somebody he knew.

Q Did you hear him mention a partner?

A Not offhand.

Q That he would bring a partner with him?

A On the phone he said that.

Q That law partner was Mr. Criden?

A Yes.

Q Mr. Johanson told you in response to one or your inquiries he was practically a graduate of the seminary and the deal could be checked out from top to bottom?

A If the man said that and the thing is recorded, let me see the transcript.

Q Do you remember -- do you remember that conversation or don't you?

A I told you before I don't remember exact words in the conversation.

Q Do you remember Mr. Johanson saying in substance that he could be checked out because he was

practically a member -- graduate of the seminary?

A (No response.)

Q Yes or no?

A No, I don't remember him saying that.

MR. BEN-VENISTE: May I have a moment, sir?

THE COURT: Yes.

(Pause.)

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

Q I show you -- these pages aren't numbered, I'm showing you a transcript of July 26th -- I am sorry, July 14th, the conversation.

Do you see that colloquy that is highlighted in yellow?

A Yes, I do.

Q Do you see -- did you not say to Mr. Johanson all right, put your background in there and Mr. Johanson saying: I am a graduate of the seminary practically. And you said: What's that? And he said, "I am practically a graduate of the seminary."

And you said okay, and he said: So is my partner.

Does that refresh your recollection, sir?

A No, it doesn't.

Q Do you dispute this transcript accurately reflects that conversation?

A I don't dispute it.

Q Did you not review that transcript, sir?

A I did.

Q Did you make any changes in the portions that I've indicated to you?

A Did I make any changes?

Q Yes.

A I have to look at our transcript.

Q This is your transcript.

A Maybe you changed it.

MR. BEN-VENISTE: Mr. Puccio, please, sir -- may I , your Honor.

THE COURT: I don't think it really makes any difference. The question is, did you make any changes. I gather he meant when you initially reviewed the transcript.

Do you recall whether you did or didn't?

THE WITNESS: No, I made no changes.

(Continued on next page.)

Q Now, when you met Mr. Criden for the first time, that was on the yacht down in Fort Lauderdale, Florida?

A Yes.

Q Had you been living on that yacht for sometime?

A No.

Q When the door-to-door salesman came with the Lanier recorder, had you been living on it?

A No.

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q Did Mr. Criden and Mr. Johanson bring anything with them to your recollection concerning the hotel and casino?

A I remember they brought something.

Q What do you remember?

A I don't remember.

I know they had some papers.

Q Some papers like Mr. Duffy showed you?

A I don't remember.

Q Did they have any other kind of papers other than the kind Mr. Duffy showed you?

A I don't recall.

Q Let me show you Defendants' Exhibit B and ask whether you remember having seen these plans on July 26th,

1979?

A I remember seeing these plans.

Q You do?

A Yes.

Q Is it not a fact Mr. Criden and Mr. Johanson brought them down?

A That is correct.

Q You retained those or someone from the FBI retained those, is that correct?

A That is correct.

Q Did you throw away the other things they left with you?

A I don't remember the other things, I told you.

Q But you certainly never intended to go forward with the project they were proposing?

A That is correct.

Q They were very excited about the proposal, were they not?

A I guess so.

Q Is it not a fact, sir, that Tony DeVito and you encouraged them in connection with that proposal?

A I don't think we encouraged them.

Q Did you not say your reaction was favorable and Tony was going to go to London to recommend that the

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Sheik go forward with it?

A No, we told him we would have to check it out and look at the site.

Q You deny that Mr. Amoroso told them that he was going to present the matter to the Sheik in London?

A After we looked at the site.

Q Now, the conversation that occurred in the cabin of the left-hand, below decks, was tape recorded, was it not?

A That is what I heard.

Q Didn't you discuss with Mr. DeVito before the meeting how he was going to cover it electronically?

A I didn't know if he was going to use the briefcase or if he had equipment on the left-hand at that time.

Q You know now the conversation in the cabin was recorded?

A Yes.

Q Through the briefcase?

A Yes.

Q You saw Mr. Amoroso's briefcase?

A He also had his briefcase with him.

Q That is the briefcase he used to hide the tape recorder?

A That is correct.

Q Now, did you know -- you knew at some point that the conversation that appeared -- that took place above deck was not tape recorded?

A That is correct.

Q When did you learn that for the first time?

A Couldn't record up there.

Q You knew right away it wasn't going to be recorded?

A That is correct.

Q Now, do you recall -- strike that.

Is it not true, sir, when you testified in Philadelphia you tried to implicate Mr. Criden in connection with developing the idea of the Sheik wanting to come to the United States and get hold of someone with political influence?

A That is correct.

Q You tried to hang the hat on Mr. Criden?

A I did not try to hang any hat on Mr. Criden.

Q You knew that that conversation had not been recorded, right?

A That is correct.

Q Didn't you testify that it was Mr. Criden who brought up the subject of immigration for the Sheik, this

phoney Sheik?

A I thought Mr. Criden brought it up.

Q Answer my question yes or no.

A I thought he brought it up.

Q Did you not raise your hand and swear to tell the truth and then testify that Mr. Criden was the one who brought up the subject of immigration for the Sheik?

A I said he was the one that brought it up.

Q You testified to that?

A That is correct.

Q After that Mr. Amoroso told you, Mel, your testimony was wrong, this is the one case where I wrote a report up, and the report says Mr. Criden had nothing to do with it, didn't that happen?

A I don't know about the report he wrote up.

Q Didn't he tell you he had a report and that you were wrong?

A I spoke to him, he told me it wasn't Mr. Criden who brought it up.

Q He told you that after you had testified, is that correct?

A That is correct.

Q You didn't know he had written a report when you testified?

A I didn't know about the report.

Q So you thought you could get away with hanging the hat on Mr. Criden?

A I wasn't trying to hang the hat on anybody.

Q I see.

A You want to know what else he was talking about?

Q Mr. Weinberg, Mr. Puccio can ask you questions on redirect. I would like you to answer my questions now.

May I have a moment, your Honor?

THE COURT: Yes.

(Pause.)

Q You testified here under Mr. Duffy's examination that you didn't pay any tax for the year 1978 -- you didn't file a tax return, is that correct?

A That is correct.

Q You also testified that you had no application for an extension in connection with that, is that correct?

A That is correct.

Q You know, don't you, what you did was a crime in not filing your taxes, declaring your income or paying your taxes?

MR. PUCCIO: I object, Judge.

THE COURT: Sustained as to form.

Q You know it is a crime not to file a federal income tax return if you have received income?

MR. PUCCIO: I object.

THE COURT: How complicated did you want to make it, Mr. Ben-Veniste?

MR. BEN-VENISTE: I can --

THE COURT: The answer to that question is not necessarily.

MR. BEN-VENISTE: That is a point we can go into the tax court on, your Honor knows the reason for the question.

THE COURT: Why don't you ask it in a way he can answer the question.

Q Did you make any income in 1978? Did you receive any money?

A Yes.

Q Did you file a tax return?

A No.

Q Did anyone tell you that you didn't have to file a tax return?

A No.

Q Do you have any other excuses from the United States Government as to why you didn't file a tax return?

A No.

Q Do you have -- strike that.

Did anyone promise you, Mr. Weinberg, from the Government that you would not be prosecuted for failure to file a tax return?

A No.

Q Do you expect to be prosecuted for that?

A I suspect I am going to have to pay it.

Q Do you expect to be prosecuted for it?

A I guess so.

Q You do?

A I guess so.

Q Now, in '79, for the year 1979, you received a lot of money, didn't you?

A That is correct.

Q In 1979, you did not -- I'm sorry.

You did not file an income tax return this year when April rolled around for your 1979 income, did you?

A That is correct.

Q Did you get an excuse from anyone in the government to allow you not to file?

A No.

Q Did you ask for one?

A No.

Q You just didn't file it?

A I didn't know what I made.

Q Didn't you keep any records at all?

A No, I didn't.

Q Was that on purpose?

A No, it wasn't.

Q It was inadvertent?

A No.

Q They were lost?

A No, I was just travelling so much I didn't know where I was each day.

Q You believe that excuses people from filing income tax returns?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q There are a lot of people who travel, Mr. Weinberg, is that the only reason you didn't file income tax returns?

MR. PUCCIO: I object to the form of the question.

THE COURT: Disregard counsel's statement, Rephrase the question.

Q Is the only reason you didn't file a tax return

for 1978 and '79 that you were travelling so much?

A I didn't know what I made in them years to file a tax return. I was on the move at all times.

Q The reason you didn't know is because you didn't keep records, is that correct?

A That is correct.

Q Did you ask the government to provide you with a list of the monies that you received?

A No, I didn't.

Q Mr. Weinberg, did you receive funds in the year 1978 from any source other than the United States Government?

A Not to my knowledge.

Q In the year 1979, did you receive funds from any other source?

A Not to my knowledge.

Q Did you receive gifts from any source?

A Gifts, no. No, I have received gifts.

Q In '78 and '79?

A '79 I think it was.

Q Will you tell the jury, please, each and every gift you received in 1978 and 1979?

A I got $25,000 kickback from the mayor. I got a television. A box of cigars he sent.

Bottle of liquor. I received liquor for the party on the boat. He got the food for the party on the boat. That's all I can remember right now.

Q 1978, 1979, gifts from any source?

A That's all I remember right now.

Q Let's round it off to $100,000 that you said you received over the last couple of years from the government in the ABSCAM investigation.

Did you ever apply one cent of that money to repay any of the victims of your swindles?

A No, I haven't.

Q You had an FBI agent in the early seventies to whom you gave information from time to time, is that correct?

A That is correct.

Q Did you contact him when you got caught in the swindle for which you were prosecuted?

A I did speak to him.

Q He told you that you had lied to him, didn't he?

A No, he didn't tell me. He said he can't speak to me because I am under indictment.

Q That is the only thing he said?

A As far as I remember, that's all he said.

Q He told you he couldn't help you?

A I didn't ask him to help, I wanted to speak to him.

Q In that case in Pittsburgh, did you tell the jury how you got caught?

A One of the people that we were going to buy a milk company complained to the FBI he was taken for $3000 or something like that.

Q Then the FBI had a look at it?

A Agent Boutwell investigated.

Q He came to talk to you?

A No, I never spoke to him until I got to Pittsburgh.

Q Didn't you talk to Rosselli and tell him you were being investigated?

A I called Rosselli and he said he cannot speak to me because of the investigation.

Q He can't help you?

A I didn't ask for help.

Q In the past, Mr. Weinberg, isn't it true that the FBI has been able to bail you out when you got in this kind of trouble?

A I never got in trouble in the past.

Q Didn't you get in trouble with Mr. Goberman?

A That is a civil suit in court.

Q Didn't you ask the FBI to come and tell the judge you were an informant for the FBI and he should help you?

A That is not true.

Q That never happened?

A Never happened.

Q Your testimony yesterday was that on the day that you got sentenced to three years in prison you knew that that sentence was going to be suspended, is that correct?

A That is correct.

Q What you're saying is that according to your understanding when the judge came out and sentenced you to three years, he didn't mean it?

A I knew the sentence was going to be put on probation after the first of the year.

Q You knew that the judge was going to do that despite the fact he had sentenced you to three years at the Graybar Hotel?

A That is correct.

Q In that case your lawyer filed a motion on your behalf, didn't he?

A (No response.)

Q After you got the three years.

A That is correct.

Q And the motion he filed -- just a second.

THE COURT: Yes.

(Pause.)

(Continued on next page.)

Q The reason that was given to the Judge in that motion was that you were ill?

A That I don't know.

Q You don't know that?

A I know they filed a motion.

I wasn't there when he filed it.

Q Well, didn't you get a hold of a letter from a doctor?

A That is correct.

Q And the letter of the doctor was dated January 10, 1978?

A I know I was told?

Q Pardon?

A I was told to go to my doctor and get a letter.

Q Who told you that?

A My lawyer.

Q And that this was going to be the reason why you were going to get let out?

A He didn't say that to me.

Q But you knew it had something to do with your case?

A I really didn't know at the time.

Q Do you went to the doctor and that was

Dr.Cuci?

A Correct.

Q C-u-c-i.

A I think that's the way you spell it.

Q And that on the 10th of January you got that letter from Dr. Cuci?

A Correct.

Q What did you do with it?

A I gave it to the Court.

Q Who did you give it to?

A I gave it to -- no, I gave it -- a Probation Officer came up and he sent it in.

Q When did you give it to the Probation Officer?

A I don't remember the exact date.

Q Approximately how long after you got it?

A I haven't the slightest idea.

Q Well, would it refresh your recollection if I were to suggest to you that since the letter is dated January 10th and the order reducing your sentence from jail to probation was Janaury 20th, that it was somewhere in the interim of those ten days?

A I really don't know.

Q The letter was a put up job, wasn't it?

A No, it wasn't.

Q You knew that nobody was going to check the letter out, didn't you?

A I have high blood pressure and a heart condition.

Q You knew that no one was going to check out the medical report, didn't you?

A That I did not know.

Q Well, it was submitted sometime after the 10th and the Court ruled on the 20th. You knew that it wasn't checked out?

A That I don't know.

Q Do you know whether Dr. Cuci has a brother?

A He has.

Q And do you know whether that brother is a lawyer?

A He is.

Q And you know whether that lawyer represented you?

A He did at one time.

Q And so you went to his brother and got a note for the Judge?

A He was my doctor all the time.

Q I see.

The letter said or implied that you were too

sick to go to jail because of the high blood pressure, right?

A I don't know what the letter said.

Q Didn't you read it?

A I read it. But it didn't make sense to me, what was in there.

Q It was only a short letter, wasn't it?

A That's correct.

Q And did -- the whole purpose was so you didn't go to jail, right?

A No, that wasn't the whole purpose.

Q Of getting the letter?

A They wanted a letter from my doctor.

Q Wasn't it for the purpose of reducing your sentence from jail time to probation, sir?

A I really don't know.

Q I see.

But after that -- Mr. Weinberg, after January of 1978, you did a lot of traveling, as you have testified?

A January, '78?

Q '78, yes.

A No. It was around March '78.

Q But you did a lot of traveling in the next two years?

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A Correct.

Q You didn't restrict yourself by reason of your condition, did you?

A That is correct.

Q Okay.

Now, do you recall testifying under oath in Philadelphia, Mr. Weinberg,on July 7, 1980, that you revealed to the FBI everything that you had ever done of a fraudulent nature?

A Yes.

Q Was that true or was that a lie?

A They had my whole record there.

Q Was it true or was it a lie, Mr. Weinberg?

A To the best of my knowledge, it was the truth.

Q To whom did you --to whom did you reveal at the FBI everything that you had ever done in your life of a fraudulent nature?

A When I copped a plea up in Pittsburgh, I sat down with agents and they questioned me there for three days.

Q They wrote it all down?

A I don't now if they wrote it all down or not.

MR. BEN-VENISTE: May we have a side bar,

* * *

* * *

(End of side bar.)

MR. BEN-VENISTE: May I proceed,your Honor?

THE COURT: You may proceed.

Q Mr. Weinberg, when did you pull your first swindle?

A I'd say around 1960.

Q 1960.

You say for 20 years prospectively you have been a con man and before that you were never involved in swindles or conning or confidence games?

A Not to my knowledge.

Q Did you hold legitimate jobs before 1960?

A I did.

(Continued on next page.)

Q Did you ever have a Social Security number?

A I did.

Q When did you get it for the first time?

A When I came out of the Service.

Q Social Security number?

A Correct.

Q Did you ever see --

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q Exhibit 188.

THE COURT: Is that 3500-188?

MR. BEN-VENISTE: I assume it is. It has an exhibit stamp. May I confer with Mr. Puccio?

MR. PUCCIO: That's a Grand Jury exhibit. That was provided to counsel, but that is not a trial -- [illegible] --

MR. BEN-VENISTE: All right. I will mark it M for identification.

THE COURT: It was not marked for purposes of this trial.

Q I show you M for identification, Mr. Weinberg. Do you know what that is?

A Yes.

Q That's your rap sheet, is it not?

A That's correct.

Q That's a history of your convictions and arrests?

MR. PUCCIO: Judge, I object to that statement.

THE COURT: I think that is a misrepresentation of the document, Mr. Ben-Veniste.

MR. BEN-VENISTE: I don't think it is, your Honor. But I don't mind that it be stricken.

MR. PUCCIO: There is only one objection. There is only one conviction.

THE COURT: That's my recollection, too.

Q You were only convicted once?

A That's correct.

Q Okay. Now, will you turn to the --

MR. PUCCIO: May I see that? May I be permitted to look at that document?

MR. BEN-VENISTE: I got it from you, Mr. Puccio.

MR. PUCCIO: Judge, may I be allowed to indicate to the extent the word "arrest" was used in the plural, that it has to do with that one case?

THE COURT: Both arrest and conviction reflected in the government's exhibit are singular;

is that correct?

MR. PUCCIO: Thank you.

MR. BEN-VENISTE: I understand there are several entries, Judge, and I will accept Mr. Puccio's--

MR. PUCCIO: Those entries were with respect to the Navy, Judge.

MR. BEN-VENISTE: There are several entries with respect to matters other than the Navy, your Honor. And I will accept Mr. Puccio's characterization that they all refer to the same conviction.

Q Now, you were interviewed in connection with your arrest in 1977, sir?

A Will you repeat that?

Q You were interviewed by the probation people and by the marshal's service.

A By the probation person. I was intervied by--

Q Well, when you got arrested, didn't the marshal process you?

A Yes.

Q Take a photograph of you, fingerprint you?

A Yes.

Q Ask you some questions?

MR. PUCCIO: May I ask that the questioner move over? I can't see.

MR. BEN-VENISTE: I am sorry.

THE COURT: You need to be --

MR. BEN-VENISTE: I am going to show him this document in a second, your Honor.

THE COURT: All right.

Q Do you recall that?

A Yes, I recall.

Q You provided him with your address and so forth and certain personal information?

A Correct.

Q And they asked you what your occupation was?

A I don't remember that.

Q Do you remember what you said?

A No.

Q Would it refresh your recollection if I suggest it was financial services?

A That would be correct.

Q And they asked you what your Social Security number was, didn't they?

A I don't remember.

Q Take a look and see whether you told them that it was unknown?

A I probably didn't have it on me.

Q Now, on the -- now, in the 1960s, late '60s

and early '70s you had some contact with Agent Roselli, did you not?

A That's correct.

Q Now, during the period of time that you had contact with Roselli, you were getting small sums of money from the FBI, were you not?

A That's correct.

Q I don't want to get into those matters, but I want to ask you, sir, whether you intentionally did not reveal to the FBI that you were engaged in fraudulent activities during the same period?

A They never asked me and I never said nothing to them.

Q Did you intentionally refrain from telling them that you were engaged in fraudulent activities while at the same time you were accepting money from them?

MR. PUCCIO: I object to the form of that question.

THE COURT: Overruled.

Do you understand the question?

THE WITNESS: I understand. I didn't intentionally --

Q Pardon me?

A I didn't intentionally not tell them.

Q Well, was it just a mistake, that it slipped your mind, that you were engaged in all these frauds?

A No, not really.

Q Well, then, when you said you didn't intentionally fail to tell them, what do you mean, Mr. Weinberg?

A That they didn't ask me and I didn't tell them.

Q I ask you whether you intentionally did not tell them.

MR. PUCCIO: I object. It has been asked and answered.

THE COURT: I think it's clear what he is saying, Mr. Ben-Veniste.

MR. BEN-VENISTE: Very well, your Honor.

Q Now, from 1972 to 1977, you were involved in two different kinds of schemes; at least two different kinds of schemes. You talked about the one you were convicted on. What company was that, again?

A London Investors.

Q Now, there was something called Swiss Bank Associates, was there not?

A That's correct.

Q And will you explain what Swiss Bank Associates was all about?

A Same as London Investors.

Q Just a different name?

A Correct.

Q The exact same scam?

A Same thing.

Q Arab oil money?

A Never was Arab oil money.

Q What was the scam in Swiss Bank Associates?

A We represented a foreign bank.

Q And what did you tell the marks?

A We can get them money for a loan. They have to pay the appraisal and inspection fee.

Q What were your rates at that time for appraisal and inspection fees?

A For about three, four thousand dollars.

Q How much money did you make off of Swiss Bank Associates, sir?

A I don't remember.

Q Well, a ballpark figure.

A I haven't the slightest idea.

Q More than a million dollars?

A I don't know.

Q Could be?

A I don't know.

Q Did you ever pay any taxes on the money you made in Swiss Bank Associates?

A I had a legitimate business running then, which the taxes were being paid.

Q Did you ever -- listen to my question, sir. Did you ever pay any taxes on the money that you stole in connection with the fraud relating to Swiss Bank Associates? Yes or no.

A No.

Q Did anybody promise you that you wouldn't be prosecuted?

A No.

Q Where did you make your headquarters for Swiss Bank Associates, sir?

A Bayside, Long Island.

Q Did you take mainly people in the New York area?

A No.

Q Where were the people that you took?

A All over.

Q All over the United States?

A That's correct.

Q Except New York?

A Very few from New York.

Q You didn't discriminate against New York, did you?

A No, I didn't.

Q How long did Swiss Bank Associates go on?

A Well, a couple of years.

Q Didn't people come over this period of time when you were in London Investors and Swiss Bank Associates and say, what about my money? We gave you this money for an appraisal to get a loan and now we don't hear from you any more. What would you tell them?

A We would stall them.

Q You would lie to them?

A We would stall them.

Q What do you mean by stall?

A We would tell them stories that that doesn't check out. Finally we tell them that there is something wrong, that they can't get the loan.

Q Some of these people were really desperate for the money, weren't they?

A What do you mean by desperate?

Q They were going to go out of business; they needed the loans immediately?

A No. We never dealt with business men.

Q I see. These were all personal loans?

A These were all fellows who were going -- looking to buy a building, mortgage money.

Q Wouldn't you call those business men?

A It wasn't a sense of businessmen who had a small store that they needed the money.

Q Pardon me?

A It wasn't the sense we are dealing with a small store that had a business that desperately needed the money to continue in business.

MR. BEN-VENISTE: May I have a moment, your Honor.

Q Do you know who Lee Schlag is? Lee Schlag, S-c-h-l-a-g.

A That's the guy that was buying the dairy company.

Q You took him for $3,564 at least?

A That's correct.

Q And how about Carl Stark?

A That's correct.

Q Where does Mr. Stark hail from?

A Pittsburgh.

Q How about Carnegie, Pennsylvania?

A Where is that?

Q Carnegie.

A I don't know where Carnegie is.

Q Do you know what Mr. Stark was interested in?

A He had a drycleaning factory.

Q He wanted a loan?

A Correct.

Q And it was a business loan?

A Correct.

Q You promised him a loan?

A Correct.

Q You kept stringing him along?

A That's correct.

Q Lying to him?

A Correct.

Q You had him on the hook, right?

A No one stopped him from leaving the office if he wanted to leave.

Q You mean he could walk out, forget about the money he had given you and go home?

A He didn't have to give us the money.

Q Well, you asked him for it, didn't you?

A Yes.

Q Do you think it's his fault that he gave you the money?

A No, it's not his fault.

Q Do you think these victims of your fraud were somehow personally responsible for being taken?

A No.

Q That was your responsibility, wasn't it?

A That was my responsibility.

Q You stole their money?

A That's correct.

THE COURT: I think this would be an appropriate time to break for lunch. We will resume at two o'clock. Don't discuss the case during the recess, ladies and gentlemen.

(Whereupon, the jury retired from the courtroom.)

(Luncheon recess taken.)

* * *

* * *

MELVIN WEINBERG, having been previously duly sworn, resumed the stand and testified further as follows:

(The jury is in the jury box.)

THE COURT: All right, Mr. Ben-Veniste,

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you may continue with your cross examination.

MR. BEN-VENISTE: Thank you, sir.

(Continued on next page.)

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, the tapes that were taken from your suitcase were taken on you say January 23rd, 1980?

A I think that is the date.

Q Do you have some question about it, sir?

A I am pretty sure that is the date.

Q On that occasion, was that one of the frequent trips you made between New York and Florida?

A I was coming up to New York.

Q Were you moving up to New York or just coming up to spend a few days?

A I really don't remember. I think I was up here around February.

Q I don't want to know where it is, I don't have to; did you maintain a residence of some sort in this area in January?

A No, I stayed in hotels.

Q The FBI paid for that?

A That is correct.

Q Describe the suitcase that these tapes were taken from?

A Carry-on bag, pocket on the side made out of nylon.

Q What else were you carrying?

A My suits were in there, my shoes, and the pockets on the outside were tapes and cigars.

Q Did you have any other baggage with you that day?

A A carry-on bag.

Q What was in that?

A That was -- my shirts and underwear.

Q You didn't have a hanging bag?

A That is the hanging bag they were in.

Q The hanging bag you carried onto the airplane and --

A No, I checked them both in. I didn't carry anything on.

Q Is that your usual practice?

A Yes.

Q Instead of carrying on the airplane, you have to wait a half hour or so for the bag to come back to you?

A Yes.

Q You say that some cigars were taken off, is that correct?

A That is correct.

Q How many?

A Two packs of 25 each.

Q Packets of cigars?

A Yes.

Q Bundles?

A They come in bundles.

Q With a ribbon tied around it?

A Silver paper around then.

Q That was in the outside pouch?

A Yes.

Q How long have you been a cigar smoker?

A Since 1944.

Q And you checked the bags with the cigars in an outside pouch for the baggage handlers to do this thing?

A I didn't know they were going to rob it.

Q Did you know what happens to bags that are checked?

A It doesn't mean every bag that is checked is going to get robbed.

Q You say you put the cigars in the outside pocket of the bag where they can get crushed and beat up?

MR. PUCCIO: I object on the grounds of relevance.

THE COURT: Sustained.

MR. BEN-VENISTE: I will move on.

Q Of course, this is the first time you lost

any tapes, is that correct?

A That is correct.

Q How much time have you spent in the prosecutor's office here in this courthouse since February 2nd?

A I was up for about a week or so, two weeks, maybe.

Q Maybe?

A Two weeks, then up this time three weeks.

Q I'm sorry, I don't understand.

Two weeks or three weeks?

A The first time two weeks.

Q When was that, in February?

A No, it was around March I think I came up.

Q You were up in New York in February, February 2nd?

A That is correct.

Q How long did you stay then?

A I left, I think around the 5th or 6th.

Q The next time you came up was when?

A I think in March.

Q How long did you stay on that occasion?

A I don't know. Maybe a couple of weeks, ten days.

Q After that visit to this courthouse, when was the next time?

A I really don't know.

Q Was there another time after March and before July?

A Probably was.

Q What is your recollection?

A I really don't know. I know I went down to Philly twice. Then I was back up here.

Then I went back down and came up for the trial.

Q Approximately how many weeks were you up here, two weeks in March, the last three weeks that you have been up here, how much other time?

A I would count maybe four or five weeks before the trial.

Q Four or five weeks for preparation of the trial, right?

A No, we were straightening the tapes out.

Q Straightening them out?

A Getting them in order.

Q And going over your testimony?

A No.

Q You never did that?

A Yes, I went over some of it.

Q You discussed this at length with Mr. Amoroso, didn't you?

A Yes.

Q Did you go over his testimony at this trial?

A No.

Q Did you discuss with Mr. Amoroso what he had testified to?

A No, I haven't.

Q The evening that he left the witness stand, you went somewhere with him, is that correct?

A That is correct.

Q Just the two of you?

A That is correct.

Q You didn't discuss anything about the case?

A No, we didn't.

Q Now, would you say that you are friendly with Amoroso?

A Yes, pretty friendly.

Q Would you want to get him into any trouble?

A I wouldn't want to get him into any trouble.

Q Okay.

Who told you which tapes were going to be introduced into evidence?

A Nobody told me what tapes.

Q Nobody told you which ones to focus on?

A I went through all the tapes pertaining to the case that they pulled out.

Q Somebody pulled out a bunch of transcripts for you to look at?

A Yes.

Q Who did that?

A The agentworking in the office.

Q They said look at these particular tapes?

A Yes.

Q You did testify about the way you reviewed them and made any changes; there was one that was made the other day?

MR. PUCCIO: I object to any statement.

THE COURT: Sustained. Disregard counsel's statements.

Only questions, Mr. Ben-Veniste.

MR. BEN-VENISTE: Exhibit 20-A, please.

MR. PUCCIO: 20-A?

MR. BEN-VENISTE: Yes.

(Pause while counsel confer.)

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q Mr. Weinberg, I show you Exhibit 20-A in evidence and ask you whether you in fact reviewed that transcript?

A I listened to this transcript.

Q You listened to the tape and you checked the transcript against it, right?

A That is correct.

Q Did you make any changes?

A I haven't.

Q There was a final version made, that is a final version, is that correct?

A That is correct.

Q Did you see a draft version also?

A No, I didn't.

Q This is a conversation, is it not, of July 30th, 1979 between Mr. Weinberg and Mr. Errichetti, you and Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti was in New Jersey?

A That is correct.

Q Do you remember whether you called him or he called you?

A It says I called him.

Q Where does it say that?

A Call from Mel Weinberg --

Q Does that refresh your recollection that you called him?

A No, I have to listen to the tape.

Q Look at the -- maybe I can point to where Mr. Errichetti says, if you follow along with me there -- "Howard just came in to say hello and Mikee says have you heard from Mel and I say ain't that a bitch on the phone with Mel." And then there is laughter.

Who is Mikee that is referred to?

A I really don't know.

Q Take a look at that transcript and see whether that helps you?

A I don't know who Mikee is.

Q You never heard Congressman Myers referred to as Mikee?

A No.

Q In fact, this doesn't even say Mikee on the tape, does it?

A I don't know, I have to listen to the tape.

MR. BEN-VENISTE: Your Honor, I would ask that the tape be played again and the jurors be provided with their copies of the transcripts.

THE COURT: For that one word?

MR. BEN-VENISTE: Unless the prosecutor is willing to acknowledge it doesn't say Mikee.

THE COURT: I assume it says something.

MR. BEN-VENISTE: In our view --

THE COURT: If it is that important, we will see what the jury thinks it says.

Put the tape on. Only for that little piece of it.

MR. PUCCIO: Should we give out the books?

THE COURT: Do you want them to have it?

MR. BEN-VENISTE: Yes, sir. I think they should be able to follow it.

(Continued on next page.)

THE COURT: Any jurors who do not have their books?

All right, play the tape.

MR. BEN-VENISTE: May I ask, your Honor, one question before we play the tape?

THE COURT: Surely.

Q That is,Mr. -- isn't it a fact that what is said by Mr. Errichetti is, Howard just came in to say hello and like he says -- l-i-k-e, new word, h-e says, have you heard from Mel?

A I don't know.

MR. BEN-VENISTE: All right.

THE COURT: Play it.

(Tape recording played.)

(Tape recording stopped.)

Q Did you hear that, Mr. Weinberg?

A I didn't hear it.

MR. BEN-VENISTE: Will you play it -- are there headphones for the witness, your Honor?

THE COURT: Right next to him.

Q Will you put the headphones on and listen to it again, please?

(Tape recording played.)

(Tape recording stopped.)

Q Is it, like he, or might he?

A Like he says --

Q So the transcript is wrong there? It should be Mikee?

A Yes.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: Excuse me.

May I approach the witness, your Honor?

THE COURT: Yes.

Q Let me show you Exhibit 20B. Is that your handwriting, sir?

A That's my handwriting.

Q That's the original cassette?

A Thea's the original cassette.

Q Now, I would like --

MR. BEN-VENISTE: If the Court please, I would like for the original to be played up to that point in the conversation.

THE COURT: You are offerring 20B in evidence?

MR. BEN-VENISTE: Just for that small portion, your Honor. Just to stop at the same point because we are at the beginning of the conversation.

THE COURT: You want from the beginning of the tape 20B up to --

MR. BEN-VENISTE: The asterick on the transcript?

THE COURT: All right, received in evidence for that purpose.

(Tape recording played.)

(Tape recording stopped.)

Q Now, Mr.Weinberg, the original has got a different beginning to it than what appears on Exhibit 20A,doesn't it, sir?

A That it does.

Q It appears to be a conversation in which you were involved, sir?

A That's correct.

Q Can you explain to the jury what that is?

A I was speaking to my wife in the house where I was making the phone call from waiting for the Mayor to come to the phone.

Q That is not reflected on the transcript, is it?

A It's not reflected on the transcript.

Q Now,there is a click on the phone after you get finished talking to your wife. Is that where you turned

the recorder on or off?

A I didn't hear the click.

Q Now, with respect to the conversation on July 31st, sir -- that's Exhibit 21A. There's one point where you heard a break when the tape was played the other day, correct, sir?

A That's correct.

Q Now, where the words on the second page, they are getting five zero appears, did you actually hear the word zero?

A I don't remember.

The tape sounds like zero to me at the time.

Q When you listened to it, it was zero, correct?

A When? I didn't correct these tapes.

Q Did you testify that you --

A I listened to them.

Q Excuse me for a minute. Didn't you testify in answer to Mr. Puccio's questions that these transcripts were accurate to the best of your knowledge,sir?

A That's correct.

Q Well, didn't you review them for the purpose of determining their accuracy?

A I did.

Q I am asking you, sir, whether that word, zero

actually appears on the tape?

A I don't know. I have to listen to the tape.

MR. BEN-VENISTE: Will you play the excerpt, please?

(Tape recording played.)

(Tape recording stopped.)

Q Did you hear, zero?

A Sounded like five o.

Q The word, zero, where you -- or you thought you heard, o?

A O.

Q Did you hear a break in the tape at that point?

A I heard something.

Q Is that where you turned the tape recorder off, Mr. Weinberg?

A I didn't turn the tape recorder off. The tape recorder fell.

Q Did the tape recorder fall again during that same conversation, sir?

A No.

MR. BEN-VENISTE: Now, that's all as far as these transcripts are concerned, your Honor.

If the jury would be more comfortable without

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them.

Q Now, Mr. Weinberg, do you recall testifying in Philadelphia that at the most there was a delay of two days between the time that you would make the recording and the time you would turn the cassettes over to someone from the FBI?

A That's correct. I said that.

Q And that was wrong, wasn't it?

A That's correct.

Q Because there were times as much as eight, nine, ten days that went by between you turning something over to the FBI; is that correct?

A That's correct.

Q Indeed, the recordings of July 29th and the 31st were such recordings that were not turned over in a matter of days but were turned over after several days?

A That I can't answer? I don't know.

MR. BEN-VENISTE: May we have Exhibit --

Q Can you tell from looking at Exhibits 19B, 21B and 22B when they were turned over to anybody at the FBI, sir?

A I can't tell by this.

Q Do you know what that is?

A No, I don't know what that is. I can't tell.

Q You have never seen these documents before, Mr. Weinberg?

A I have seen these before. I've seen them making them out.

Q Aren't they logs?

A I don't know. I just told you.

MR. BEN-VENISTE: May I have a moment, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: I removed the tape recording, the original tape recordings from Exhibit 22B. May I approach the witness?

THE COURT: Yes.

Q Do you see the handwriting on the bottom of 22B, sir?

A Yes.

Q Is that your handwriting?

A No, that is not my handwriting.

Q That is the agent's handwriting when you turned it over to him, isn't it, sir?

A It must be. It says there 8/8.

Q The date is August 8, 1980?

A Correct.

Q Eight days after you made the recording?

A Correct.

THE COURT: 80?

MR. BEN-VENISTE: 1979, I'm sorry, your Honor.

THE COURT: All right.

Q Now, I think you testified earlier that all the money that you received in 1978 came from the United States Government; is that correct?

A I did. To the best of my knowledge, I said.

Q Well, think about it for a minute and tell the jury whether you were wrong?

A To the best of my knowledge, I didn't get no other money except from the United States Government.

Q Did you not receive $30,000 from an insurance company as a reward in 1978?

A That's correct.

Q That wasn't the United States Government insurance company,was it?

A No. It was in February , 1978.

Q Okay.

And as far as you know,that's taxable income, isn't it?

A That's correct.

Q You didn't pay any taxes on it?

A I didn't pay the taxes.

Q And nobody withheld money from you for taxes for that?

A That's correct.

Q You didn't declare that in any way, in any form with the Government, did you?

A That's correct.

Q Now, in connection with the ABSCAM, Mr. Weinberg, at the beginning you got yourself into a little bit of trouble because you were coming on to strong on tape with so-called middle men; isn't that true?

A I don't know what you mean by that?

Q Well, weren't you reprimanded, sir, for dealing with middle men and trying to make it appear that one or more politicians in their acting before a camera would do something contrary to what you explained the situation was all about?

MR. PUCCIO: I object.

Q Do you understand that question? It's a little confusing.

MR. PUCCIO: I object to the form of the question.

MR. BEN-VENISTE: I ought to withdraw it.

THE COURT: Withdrawn.

Q Let me start again.

Back in May, June of 1979, you were involved in some aspect of the ABSCAM investigation that did not involve Mr. Criden at all; is that right?

A That's correct.

Q And you dealt with certain middle men? What you have called middle men, correct?

A That would be correct.

Q And you put Mr. Criden into that category, wouldn't you, as a middle man?

A That's correct.

Q And Mr. Errichetti and Mr. Johanson, right?

A That's correct.

Q And in this case the target was Mr. Myers, right?

A We didn't have no target.

Q Well, you did at some point, didn't you?

A We didn't have no target.

Q I see. Mark.

A No.

Q You object to the term target?

A I object to the term mark and target.

Q I see.

But you don't object to the characterization

of Criden, Johanson and Errichetti as middle men in connection with that investigation?

A That is true.

MR. DUFFY: Your Honor, I do.

I'm a little out of sorts, but I have to object to the defense counsel's question. Johanson has never been called a middle man.

THE COURT: He has now.

The jury will understand we are only dealing with this witness' interpretation of the term that was defined for us yesterday by Mr. Duffy and Mr. Weinberg together.

Q Now, in connection with the other investigation unrelated to this case, didn't you tell the middle man in that case on tape that a politician as to write a very strong letter that wouldn't mean anything because you were going to destroy it right away.

MR. PUCCIO: Judge, I object unless we know what the case is we are talking about.

MR. BEN-VENISTE: I am sorry. I didn't hear Mr. Puccio's objection.

THE COURT: He said he objects.

MR. PUCCIO: To the form.

THE COURT: Unless we know what case we are

talking about.

Identify it by date. Approximate date.

Mr. Weinberg, without indicating what case it is, do you understand which one he is talking about.

THE WITNESS: I would have to see the transcript, your Honor, to understand it.

THE COURT: All right.

MR. BEN-VENISTE: Show the witness 3500-274, please, Mr. Puccio.

Can we have that, please.

MR. PUCCIO: You have a copy, do you want the original?

MR. BEN-VENISTE: Yes.

May I approach the witness, your Honor?

THE COURT: Yes.

Q I show you Exhibit 3500-274. I ask you to turn to Page 4. Take a moment to read that, please?

A Why can't we read Page 3 and see what it is about.

Q You can read as much as you want to yourself.

THE COURT: Are you showing him the transcript just to familiarize him with what question you are speaking of?

MR. BEN-VENISTE: Yes. And the witness has to read the complete document, to which we have no objection.

THE COURT: All right.

Do you recall, Mr. Weinberg, now what transaction that relates to?

THE WITNESS: Yes, your Honor.

THE COURT: All right, next question.

Q Now, turning to the bottom of Page 4, if you would, Mr. Weinberg, this is a -- this is a conversation which you tape recorded, right?

A Will you repeat that?

Q You tape recorded this conversation, didn't you?

A I tape recorded it.

Q This was a telephone conversation, correct, sir?

A That's correct.

(Continued on next page.)

Q Now, didn't the middleman -- you were talking about writing a letter that was going to be -- come from a politician -- and his Honor has asked you not to identify this politician -- and was going to be shown supposedly to the Sheik, right?

A That's correct.

Q Now, the middleman said to you, did he not, I am going to couch it in very careful language so if it got in anybody else's hands, there would be nothing wrong with it, and you said, oh, no, make it as strong as possible. And the middleman said, it will be strong. It will be strong. And you said, don't worry about it getting in anyone's hands. It's going to go over in a diplomatic pouch. To which the middleman said, okay. And you said, all right. As soon as he reads it, it's going to be burned right up.

Do you recall that?

A I recall it.

Q Now, of course, you did not intend to burn that up at all, did you?

A We did not.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Weinberg-cross-Pen-Veniste

Q I show you 3500-277, sir.

Do you recall -- take a moment to familiarize yourself with that, if you wish.

THE COURT: The question?

Q Are you familiar with it, Mr. Weinberg?

A I am familiar with it.

Q All right.

This is a conversation in which you participated, sir?

A That's correct.

Q And you taped it, did you not, on the telephone?

A That's correct.

Q And turning to page 2, would you -- this is a conversation between you and the middleman; is that correct?

A That's correct.

Q And you are talking about setting up a meeting with the politician, correct?

A That's correct.

Q And the politician is telling you --

A There's no --

Q I'm sorry.

The middleman is telling you that the politician is going to go in there like a tiger, not like

the regular guy that we know; is that right?

A That's correct.

Q And you said, the only thing we want to tell him, meaning the politician, to tell -- I am sorry. Strike that. I think that is going to be too confusing to understand the abstract.

A The understanding is you have to read the whole thing.

Q Yes.

MR. PUCCIO: Judge, I have no objection.

MR. BEN-VENISTE: Would your Honor admonish the witness in terms of the way the Court has indicated these documents should be used? I would ask him not to volunteer and to interject.

MR. PUCCIO: Judge, is it correct that the sentence that Mr. Ben-Veniste started to read is stricken and he is not going to read that sentence?

THE COURT: He's withdrawn the question.

MR. PUCCIO: All right.

THE COURT: I don't specifically know what it is that Mr. Ben-Veniste requested him to do.

But as a general principle, Mr. Weinberg, in court you are supposed to answer the questions that are put to you and generally don't volunteer.

That's the number one rule of being a good witness. Only answer the questions that are asked. And then if nobody draws any additional inferences that seem to get at what explanation may be, there will be no problem.

If explanations are called for, leave it to other attorneys to bring them out. Just answer the questions.

THE WITNESS: Yes, sir.

Q I show you Exhibit 3500-275. That is a conversation on June 19, 1979, sir.

A That is correct.

(Continued on next page.)

CONTINUED CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q You participated, did you not?

A I did.

Q Are you familiar with that conversation, sir?

A I will have to read it.

Q Will you tell us when you have familiarized yourself to the extent you are ready to answer questions?

A I will.

THE COURT: It would be much quicker if you asked the question and let him read it in.

Q All right.

Turn to page five, sir.

A Yes.

Q Do you recall telling the middleman that the main thing is that the politician comes on strong. Do you recall that?

A I am looking for it.

Q Near the top of the page.

A I see that.

Q You turn over to page six, if you would.

A Yes.

Q Do you recall your saying to the middle

man as long as he, meaning the politician, comes on strong there should be no problem? The middleman says, right. And you figure that is all that is needed.

And you say, well, that is what we are told. The middle man says, that is all that is needed is for him to come on strong.

And you say, that is all.

Is that correct?

A Where is that at?

Q Top of page six.

A That's correct.

Q Near the bottom of six, you say, "I don't want to wait that long. I want to get it done with." And you say, you know, "While everybody is hot you wait and you know what happens when you wait. You get leery."

A That is what I say.

Q Turn to page seven, if you will.

A Yes.

Q You discussed the sheik flying in on his own plane to meet this politician.

A Let me find it.

Q A little bit south of the middle of the page, as Mr. Duffy might say. Do you see that?

A I tell him that.

Q There is no problem in flying him in?

A That's correct.

A And you say --"I mean, you know, in his mind, he looks at it different than we do, he's got a politician. "

Different word there, but we are substituting the word "politician."

A Where is that?

Q At the bottom of the page.

MR. PUCCIO: It doesn't mention a name. I think we should use the title that is there.

THE COURT: I think for purposes of the present questioning, substituting "politician" is sufficient.

MR. BEN-VENISTE: Thank you.

Q Do you recall that?

A I recall it.

Q You say okay, and the middle man said right. You say he owns him. Meaning the sheik owns the politician; is that correct?

A Let me check that. That is correct.

Q And then you say, he, meaning the sheik, doesn't know he is getting nothing, but he owns him?

A That's correct.

Q Then turn to page twenty, Mr. Weinberg.

A Yes.

Q The middle man says, right, the other thing is this Mel, I want you to know one thing from what I was told, if we can get the guy to get very strong and put on a good show and this thing looks 100%, right, and you say-- yes. Is that correct?

A That is what the paragraph says.

Q Thank you.

Mr. Weinberg, you were told, were you not, that that would not do?

MR. PUCCIO: Objection as to form of the question.

THE COURT: Sustained thus far.

Q You were told by the FBI agent supervising you that the way this looked, you were setting these people up too much?

A I don't remember that.

Q You don't remember that?

A I don't remember being told that.

Q I show you 3500-276. This is the conversation on June 24th; is that correct?

A Yes.

Q A month before you met Mr. Criden; is

that correct?

A That's correct.

Q Turn to page six, please.

A Yes. Talking to a different middle man at that time; is that correct?

A That's correct.

Q Turn to the bottom of page six.

A I have it.

Q Where you say, "Well, he's got to come on strong."

And the middle man says, "Look, this is the whole idea, okay," and you say, "All right, that is the main thing."

Is that correct?

A Yes.

Q Mr. Weinberg, after you were admonished about the way you were orchestrating these meetings to make them appear to be doing things strictly for show, you stopped tape recording the portions of your conversations with this middle man when you gave those instructions, didn't you? Yes or no?

A You gave me two questions now. I wasn't bawled out, and I never stopped recording anything.

Q Mr. Weinberg, you stand to make a lot

of money out of Abscam, don't you?

A I hope so.

Q You already made a lot of money in terms of the money you have been paid, but you hope to make a real killing on a book and movie, don't you?

A The book I know about.

Q Have you gotten a figure yet on the book contract?

A I understand there is a figure out.

Q What is that figure?

A $100,000.

Q Advance?

A That's correct.

Q That means that is just for starters?

A I don't know.

Q There is more to come if there is a movie?

A Yes.

Q More to come if the book sells; is that correct?

A That's correct.

Q The book is written in conjunction with a man by the name of Green; is that correct?

A Bob Green.

Q He is a newspaper man from Long Island?

A That's correct.

Q You met with Mr. Green during the Abscam investigation, didn't you?

A That isnot correct.

Q Never met him during the investigation?

A After the investigation was over.

Q Did you ever meet him during the Abscam investigation?

A No.

Q Are you sure of that?

A Positive.

Q On what date did you meet him for the first time?

A Sometime in February, I think it was.

Q Early February?

A I don't remember.

Q You testified a few minutes ago you were up in New York on February 2nd, 3rd and 4th, and I think you said you went back; is that correct?

A Yes.

Q It was one of those dates?

A No, I came up to see him.

A Specially?

A That's correct.

Q You remember another February trip now?

A Yes.

Q What date?

A I doh't know the exact date.

Q Can you approximate it?

A I haven't the slightest idea.

Q Now, you think you made a special trip?

A I had to come up to New York, and I came up to see him.

Q At that time, Mr. Weinberg, you sat down and talked about a book with Mr. Green?

A That's correct.

Q You say that is the first time you ever had a discussion with him?

A That's correct.

Q You discussed Abscam, didn't you?

A No, we discussed my life mostly.

Q Did you discuss Abscam with Mr. Green, sir?

A Just in general.

Q Did you give him any specifics?

A I didn't have any specifics to give him, actually.

Q How long had you been working in Abscam?

A About two years.

Q You say you didn't have any specifics, that can't be right --

A He had most everything already.

Q Did you discuss specifics about Abscam with him?

A No, not at that time.

Q Did you subsequently?

A He may have called me up and I spoke to him about it.

Q When?

A I don't remember the exact date.

Q Approximately.

A I don't want to give you an approximate, I don't know.

Q You have no idea, is that what you are telling the jury?

A I spoke with Bob Green a number of times.

Q When did you agree with him you were going to write a book?

A When I was up in New York in February.

Q Right after all of the publicity came out, that is when you made your agreement?

A No, he spoke to me, I said, "Go ahead."

Q Right after all the publicity?

A It was.

Q You saying -- let me make sure I understand what you are saying.

Prior to July 7th, 1980, did you provide any Abscam information to Mr. Green?

A Supply him with information?

Q Did you discuss it with him?

A I spoke to him a number of occasions, he asked me what hotel, what date, to verify something.

Q Did you discuss any Abscam information with Mr. Green, yes or no?

A I discussed dates with him.

Q Do you recall being questioned in Philadelphia, .3.135, being asked this question and giving this answer:

"Question: Did you ever discuss any of the individuals who were involved in the Abscam investigation?

"Answer: I discussed nothing about Abscam with Mr. Green."

Q Do you recall being asked that question and giving that answer?

A What is that?

Q Do you recall being asked that question

and giving that answer?

A No, but if it's in there, I must have said that.

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

Q That is the July 7th transcript.

Does that refresh your recollection, sir?

A This was mostly in answer to your other questions on the page.

Q Did you answer the question -- did you answer it that way?

A The way you read it, but that -- that is what it says on the page.

Q Thank you.

As a matter of fact, you discussed a great deal of the Abscam investigation with Mr. Green, didn't you, in connection with this book?

A I did not discuss a great deal with Mr. Green about Abscam.

Q Mr. Weinberg, you testified earlier that you were not involved in any fraudulent activity or scams prior to 1960; do you remember that, that was before lunch?

A Prior to?

Q 1960?

A To the best of my knowledge, I don't know of any.

Q Didn't you go over with Mr. Green a history of your life as a swindler?

A You are talking about the outline.

Q Did you or did you not go over with Mr. Green the history of your life as a swindler, sir?

A I gave Mr. Green part of my life, but no dates on it.

Q No dates?

A No.

Q Do you recall testifying this morning that you were involved in no fraudulent activity prior to 1960?

A That's correct. I said to the best of my knowledge.

Q As you think about it now, knowing that maybe I'm going to talk about the Green outline, would you like to change your testimony?

A No.

MR. PUCCIO: I object to that question, Judge.

THE COURT: Overruled. The answer is no.

Q All right, sir.

Do you recall being involved when you were working for your father in the glass business, how old were you?

A Twenty-one.

Q What year was that?

A 1945 or '46.

MR. PUCCIO: I object.

THE COURT: On what ground?

MR. PUCCIO: On the grounds it's irrelevant.

THE COURT: Let's take a short recess, ladies and gentlemen.

Step into the jury room. Don't discuss the case during the recess.

(Continued on next page.)

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Weinberg-cross-Ben-Veniste

THE COURT: Are you ready to proceed, Mr. Ben-Veniste?

MR. BEN-VENISTE: Yes, sir.

THE COURT: All right, bring in the jury.

(Whereupon, the jury entered the jury box.)

THE COURT: You may proceed, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

BY MR. BEN-VENISTE:

Q Mr. Weinberg, did you tell Mr. Green, your co-author, in substance, that you had been a conman for a period of 34 years?

A Not that I remember.

Q Did you tell him that you had swindled millions of dollars from people spanning four continents?

A No, I haven't told him that.

Q Did you tell him that you had pictures of the interior of the W Street Town House?

A No, I haven't told him.

I told him I have pictures of the town house.

Q Now, at some point the FBI learned that you had taken some pictures, didn't they?

A That's correct.

Q And an FBI agent by the name of Brady asked you for the film, didn't he?

Weinberg-cross-Ben-Veniste

A That's correct.

MR. PUCCIO: I object, your Honor, to this line of questioning on the grounds of relevance.

THE COURT: I am having difficulty with the relevancy.

Do you wish to be heard at side bar, Mr. Ben-Veniste?

MR. BEN-VENISTE: If the Court wishes.

THE COURT: All right.

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BY MR. BEN-VENISTE:

Q Did you give him the film?

A That's correct.

Q Did you also say that you gave it to Bob Green?

A I said I told Bob Green I had four pictures. A picture of the car, the town house, and me and the agent sitting in the living room. Two pictures of him.

Q All right.

Those are developed pictures, I take it?

A No. They are still in the camera.

Q But you have it?

A No. The agent took them out of the place.

Q I see.

So when you told Mr. Green that you had the photographs, you meant you only had temporarily?

A No. I told him I had the photographs. I told them they are not developed. They are still in the camera.

Q When did you tell Mr. Green that?

A I don't know exact dates when I spoke to him. I told him I had some pictures of the town house.

Q I am still unclear.

Are you saying that you no longer don't have the pictures?

A No, I don't have the pictures.

Q You haven't given them to Mr. Green?

A No, I haven't.

Q You gave them to Agent Brady?

A That's correct.

Q Now, isn't it a fact that when Agent Brady asked you for the film, you took him to a place and you showed him a camera, and then you began to open the camera to expose the film?

A No. I didn't open the camera and expose the film.

The film was --

Q Excuse me. Did you tell Agent Brady that the film in question was in that particular camera?

A That's correct.

Q And did Agent Brady stop you from doing something?

A I opened the camera to take the cartridge out. He stopped me.

Weinberg-cross-Ben-Veniste

Q Okay.

Did he take the cartridge?

A That's correct.

Q Isn't it a fact, Mr. Weinberg, that the cartridge that you gave him was not the cartridge that you had taken the pictures with?

A That is not true.

Q Isn't it a fact that you took -- strike that.

Isn't it a fact that Agent Brady put the cartridge in his briefcase?

A That's correct.

Q Isn't it a fact, Mr. Weinberg, that when he wasn't looking, you took the cartridge back out?

A That is not true.

Q Do you recall being interviewed by Special Agent Donald Pierece on May 28th, 1980, sir?

A That's correct.

Q And do you recall Agent Pierce saying this to you and you giving this response:

MR. PUCCIO: I object, Judge.

THE COURT: On what grounds?

MR. PUCCIO: Irrelevancy and also hearsay.

THE COURT: Overruled. You may question.

MR. BEN-VENISTE: Thank you, your Honor.

Q That Agent Pierce told you that he didn't believe your story, and that what probably happened was that you were going to give Agent Brady the film that did not have any pictures of FBI equipment on it, and that was the reason that you, Weinberg, attempted to expose the film?

THE COURT: Mr. Ben-Veniste, is that your -- you are asking him if that was the conversation between them or are you reading from something that is someone's opinion?

MR. BEN-VENISTE: No, sir. This is the question that was asked of Mr. Weinberg by Special Agent Pierce. I can only apologize for the fact that it is a compound question, but it is one sentence in this report, sir.

THE COURT: Do you understand the question, Mr. Weinberg?

MR. BEN-VENISTE: It isn't finished.

THE WITNESS: I understand the question.

THE COURT: You do or do not?

THE WITNESS: I understand the question, your Honor.

THE COURT: He hasn't quite finished.

Go ahead, Mr. Ben-Veniste.

Q That what probably happened was that you,

Weinberg, were going to give Brady film that did not have any pictures of FBI technical equipment on it and that was the reason you attempted to expose the film, and that when Brady stopped you from exposing the film, then you were necessarily forced to steal the film from Brady's briefcase.

Do you recall what you answered when Mr. -- Special Agent Pierce confronted you with this?

A You have the answer there.

Q Do you recall?

A I think I said something, could be.

Q You said, that's possible?

A That's possible.

Q Did you tell Mr. Green, your co-author, that you have been a swindler all your life?

A I told him I was --

Q Yes or no?

A I didn't tell him.

Q In susbtance?

A I didn't tell him, all my life.

Q Did you tell him, I do my thing and I'm one of the best?

A I may have said that to him.

Q Now, did you tell him that your first con game was the sale of those India gold contracts that

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Mr. Duffy asked you about?

A That is correct.

Q You got 15,000 -- I am sorry.

You got $50,000, as you told Mr. Green, from that scam, didn't you?

A No, I didn't get 50,000 for that.

Q Didn't you sell 50 contracts at a thousand dollars a piece?

A I didn't sell no 50 contracts.

Q You didn't tell him that?

A I told him I sold them contracts. But I didn't say, 50.

Q Did you tell him -- Mr. Green, that is -- that the next scam you got involved in was when your father was in the glass business, that you would go around town in a Cadillac with a slingshot and at night you would break various store windows of people that had stores?

A I told him about breaking the glass at night, but I didn't tell him my father was in the glass business.

Q All right.

Was your father in the glass business?

A My father was in the glass business.

Q I see.

The stores that you hit, would it be repaired

by your father's glass business?

MR. PUCCIO: Judge, I object to this as being irrelevant, beyond the scope.

THE COURT: It does seem rather remote.

If there is not more order in the courtroom, the courtroom will be vacant shortly.

The objection is overruled.

Q Did you tell Mr. Green -- let me ask you, Mr. Weinberg, are you proud of all of that?

A No, I am not proud of it.

Q Well, you are smiling.

A I thought it was funny, the way you came out with it.

Q You think it's funny that you went around and broke all these people's store windows?

A I didn't break door windows.

Q Pardon me?

A You got the story a little mixed up.

Q Broke different kind of windows?

A That's correct.

Q Did you think that was funny?

A The way you said it.

Q When you did it, did you think it was funny?

A No. It was the business.

Q That was your business, breaking windows?

A That's correct.

Q Did you tell Mr. Green that you swindled your own uncle of $50,000?

A No. That story there, I explained to him.

Q Did you tell him that you swindled your own uncle?

A No.

Q Out of $50,000?

A No.

Q Is that not true?

A The story is true, but the names -- it is not an uncle.

Q What was it? A relative?

A A relative.

Q A cousin?

A A cousin.

Q I see.

Did you tell Mr. Green that you removed the perpetual care sticker from your uncle's grave and placed it on some other grave?

A That is correct.

Q Prior to this case, Mr. Weinberg, you had swindled law enforcement agencies, hadn't you?

A Not that I know of.

Q Hadn't you scammed other law enforcement agencies?

A No.

Q Did you scam the Attorney General of Bolivia out of $36,000?

A No, I didn't.

Q Somebody who you worked with?

A Somebody who was down there that we were dealing with.

Q I see.

Did you tell Mr. Green that you had been involved in the counterfeiting of gold pieces?

A No, I didn't tell him I was involved in the counterfeiting of gold pieces.

Q In China?

A I told him we bought them in Red China.

Q You bought counterfeit gold pieces?

A That's correct.

Q You knew they were counterfeit when you bought them?

A They told us they were.

Q You believed they were counterfeit?

A We never really found out.

Q Did you sell them as real?

A We took them to a store. Counterfeit or not, the guy said they were real.

Q I see.

In the London investors scam that you got arrested for, did you tell Mr. Green that you had actually franchised that scam to conmen all over the world?

A We franchised it, but not to conmen.

Q Not to conmen, but for other conmen to use the same scam?

A That's correct.

Q Right. You were like the McDonald's of conmen?

A That's correct.

(Continued on next page.)

Q You were like the McDonalds of con men?

A That is correct.

Q The use of these recording devices was not your first adventure into the world of electronics surveillance, was it?

A I used recording devices before.

Q You used recorders but to be more accurate, bugs before, didn't you?

A There was a fellow in my office that used them..

Q Didn't you have a bug put in a limousine so that people that came to meet with you would be picked up at the airport so you could listen to their conversation before?

A That is correct.

Q You knew that was illegal?

A I didn't put them in there.

Q Did you know it was illegal to do that?

A I didn't know it was illegal.

Q What year was that?

A Around 1974, '75.

Q You didn't know it was illegal to put a listening device in a private area where two people were going to have a private conversation?

A I didn't know it was illegal.

Q Did you also bug the conference room so that people you were going to meet with would have their conversations recorded in advance of your meeting?

A That is correct.

Q Did you know that was illegal?

A I did not.

Q Did you tell Mr. Greene that you had once swindled a doctor who had been giving you emergency treatment?

A That is not true.

Q You never told him that?

A Not the way you are saying it.

Q Did you ever tell Mr. Greene this: The con game is one round robin, each guy knows the next guy, they're all in touch with each other. A con man when you have a sucker on the line you got to keep calling them night and day, never let them off, because as soon as you forget he will go somewhere else and the other guy will grab him; did you ever tell him that?

A I may have told him that.

Q That is what you employed in ABSCAM, wasn't it?

A No.

Q The same philosophy, keep the sucker on the line?

A I woldn't say they were suckers.

Q Did you ever wear a body recorder in the ABSCAM investigation?

A Once or twice.

Q You didn't like that, did you?

A No.

Q You knew, did you not, that the FBI had a way of immobilizing the button on the body recorder so that you couldn't turn it off while in the meeting?

A That is not true.

Q You don't know that?

A You can turn it off.

Q If the FBI wanted to immobilize --

A I guess so.

Q You didn't know that?

A I did not know that.

Q Mr. Weinberg, is it fair to say that your whole life has been spent evading the hostile questions of people you have swindled?

A I wouldn't say that.

MR. BEN-VENISTE: Nothing further.

THE COURT: Thank you, Mr. Ben-Veniste.

Mr. Cacheris.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q Mr. Weinberg, I won't go into all the past swindles you were talking about. Is it fair to say in each and every instance you were trying to deprive people of funds?

MR. PUCCIO: I object to the statement, Judge.

THE COURT: I will let him answer.

A Yes.

Q In depriving people of funds, you had to prepare them, is that correct?

A Not really.

Q You mean you just walked in and took their money?

A They usually came to us.

Q You enticed them to come?

A Not really.

Q They read your name in the paper?

A The middle man brought them in and he is the one that did the leg work.

Q Through the middleman you enticed them to come in?

A No, he knew he would get a piece of the action.

Q But the person coming in was enticed in through certain representations?

A He was looking for something.

Q You were looking for his money?

A Yes.

Q You were highly successful at it?

A Not highly successful.

Q Very?

A I wouldn't say very.

Q You are hired by the government?

A That is correct.

Q Now, in the case we are talking about today, you were not trying to deprive anybody of money, were you?

A No, I wasn't.

Q As a matter of fact, you were trying to do quite the opposite; you were trying to get them to take money, weren't you?

A If they would take it.

Q So to that extent, this is a reverse?

A Yes.

Q This is the first time you were associated with a venture to give money away rather than take it?

A I guess so.

Q Do you know?

A I would say yes.

Q Now, you also had to prepare the person that was going to take the money, didn't you?

A No, we didn't.

Q You had to use middlemen, didn't you?

A I don't know what the middlemen told them.

Q You suggested what they should tell them?

A We didn't.

Q You never suggested anything?

A All we told the middleman is what we wanted.

Q You told the middleman what he was to say?

A No, we never did.

Q Did you participate in any conversation between you, Angelo Errichetti, Anthony DeVito, really known as Anthony Amoroso, August 8, 1979?

A I would have to see the transcript.

MR. CACHERIS: May I approach the witness?

THE COURT: Yes.

Q I show you what has been marked as Exhibit 4-A. Will you read that to yourself and see if you participated in that conversation.

(Pause.)

Q You may read the second page, although I am asking about the first.

(Pause.)

Q Have you read that?

A Yes.

Q Did you participate in this conversation?

A I did.

Q Was Mr. Errichetti there?

A He was.

Q Was Mr. DeVito there, an FBI agent?

A Yes.

Q Didn't he say that he -- speaking of Mr. Myers--he would have to introduce some kind of legislation; right, some kind of bill or something, and didn't Mr. Errichetti say: Whatever you say?

A That's correct.

Q Didn't you say: Yeah, let him tell -- whatever he has to tell him?

A He has to tell him what he is going to do for the money.

Q Whatever he has to tell you -- aren't you instructing Mr. Errichetti what he has to tell Mr. Myers?

A No.

Q He had to say certain words in order for you to pay the money?

A That is not true. All he had to do is tell

us what he is going to do, not just take the fifty. Nobody stopped him from walking out.

Q He had to say certain words before you were satisfied that the money had to be paid?

A He had to say he was going to do something for it.

Q He had to say certain words, as Mr. DeVito told Mr. Errichetti, he had to do --

MR. PUCCIO: I object to the question.

THE COURT: Sustained as to form.

Q Mr. DeVito said he had to say legislation?

A Mr. DeVito said that we want to know what he was going to do for us, not walk out with $50,000.

Q You had to have legislation before any --

A He didn't have to say legislation. Whatever he could do. I don't know if he said that when they turned the money over.

Q You weren't there?

A I was there. But I don't remember what he said.

Q You said, Yes, let him tell Yassir what he had to tell him?

A Yes.

Q In other words, he had to tell him something

before the money would pass?

A Not necessarily. We wanted to make sure he was going to tell us what he is going to do be fore we give him the money.

Q Is it something he had --

A He's not going to hand him $50,000 and walk out.

Q You wanted something said on television before the money passed?

A (No response.)

Q Is that correct?

A We wanted him to tell us on the cameras that they were going to do something to take the 50. If not, walk out.

Q As far as you were concerned, through your conversation with Errichetti, he had to say something/

A We didn't tell him what to say.

Q You never talked to Mr. Myers?

A I never met him until he came up.

Q You saw him August and never saw --

A Not until this courtroom.

Q Is that correct?

A That is correct.

Q Now, was there a conversation between you and

Mr. Errichetti about where this meeting of August 22nd was to take place?

Are there any tapes on it?

Q Well, let me ask you, can't you speak unless there is a tape?

A No. I don't remember one conversation from another. There are so many.

Q Unless there is a tape, you can't remember it, is that the answer?

A Any conversation I had with Mr. Errichetti on the phone I tape down if possible to tape it down.

Q I will direct your attention to Exhibit 20A, which is a conversation on July 30th between you and Angelo Errichetti.

MR. CACHERIS: He has it, your Honor.

Q I direct your attention to the second page of that. Without getting into anyone else, Mr. Errichetti says: "So you don't want any people there in Cherry Hill?"

That means New Jersey, is that correct?

A Yes.

Q You say,no. He says: "Gotta be in New York."

And you say: "Well, yeah, be preferable in New York there."

Is that correct?

A That is correct.

Q And the rest, you say you don't want to walk around with all that cash; is that correct?

A That is correct.

Q The fact is that you were instructed to have the meeting in New York, is that correct?

A No. In fact, I wasn't sure we were going to go ahead. I didn't get the okay yet.

Q Were you instructed by anybody from the FBI that this meeting was to take place in New York?

A No, they would tell me. I didn't ask him why, where, or --

Q Who would?

A John Good would tell me.

Q He would set up the site?

A The problem was getting hotel rooms to be able to put the cameras in.

Q You had nothing to do with the New York meeting?

A I didn't know where the meeting was going to be held.

Q When did Good tell you the meeting was in New York?

A On the next transcript when I set it up with

the mayor.

Q When did Good tell you?

A Probably a few days later to set it up.

Q You would set it up for New York?

A Yes.

Q Which is what you did in this case?

A Yes.

Q That is what Mr. Good told you to do?

A The hotel to use to set cameras up.

Q Mr. Weinberg, you previously identified a list of payments that you got, is that correct?

A That is correct.

Q And I think you told the jury that you had -- when is the last payment you received?

A First of the month.

Q First of August?

A That is correct, August.

Q That was not on the list?

A I don't know.

Q Take a look at the list and see when it ends.

MR. CACHERIS: I am showing him Exhibit P, your Honor.

(Pause.)

A It's not on the list. The list ends June 30th.

Q Have you received payments since June 30th?

A Yes.

Q You said the first of the month -- August 1st?

A Yes.

Q Was another --

A July and August 1st.

Q That is $9,000?

A $6,000.

Q Those are not on the list?

A That is correct.

Q There are certain figures on this list, Mr. Weinberg, that are not rounded out; for example, there is a figure $762.95.

A Excuse me, can I get a copy of the list, please?

MR. CACHERIS: Would you mind giving him yours?

MR. PUCCIO: No.

THE WITNESS: What is the date on that?

Q Look at August 22nd.

A All right.

THE COURT: '79.

A $762.95, that is expenses.

Q Did you submit a voucher for those expenses?

A Every time I put a receipt in, airline ticket,

food, hotel bills.

Q Did you break down every one of those items?

A I did.

Q Do you know what that $762.95 represents?

A They have each expense for that.

Q Did you keep a record of that?

A No.

Q You are saying the Government has a voucher from you in which you have listed each an every expense that you have expended?

A That is correct.

MR. CACHERIS: Your Honor, I would like to have that documentation.

THE COURT: We will take it up at the end of the day.

MR. CACHERIS: That's all the questions I have.

THE COURT: All right. Mr. Brown?

MR. BROWN: Yes, your Honor.

(Pause.)

CROSS-EXAMINATION

BY MR. BROWN:

Q Do you remember boasting on a tape that you are the world's biggest liar?

A No.

Q I will show it to you in a moment.

(Pause.)

MR. BROWN: May I approach the witness, Judge, to show him something?

THE COURT: Yes.

(Pause.)

Q I am Raymond Brown. I am referring to a tape which is pretty long, it starts August 7, 1979, and these are the people present. I went through all of this and I came to a portion on page 79.

Read it in context, if you will.

(Pause while witness reads document.)

MR. PUCCIO: May I have the exhibit number on that, please?

THE COURT: What is the exhibit number?

MR. BROWN: 105, your Honor.

THE COURT: 3500?

MR. BROWN: Yes.

THE COURT: Thank you.

MR. BROWN: You have a copy of it?

MR. PUCCIO: Just a moment.

MR. BROWN: Sure.

(Pause.)

MR. PUCCIO: May I hand this to the witness, Judge?

THE COURT: Yes. What you are giving him is?

MR. PUCCIO: 105-A.

THE COURT: 3500-105A.

The question is, does that refresh his recollection?

MR. BROWN: Yes. He asked for the supplement from the Government.

THE COURT: Does that refresh your recollection about that statement, Mr. Weinberg?

THE WITNESS: No, it doesn't. I'm trying to ready the front why I said that.

MR. BROWN: May I? Not why he said it, whether he recalls saying it.

THE COURT: At present the question is, did you make the statement? [illegible]

MR. BROWN: Yes.

A It is down on the transcript; I must have made it, your Honor.

THE COURT: All right.

Q When you called yourself the world's biggest liar, you obviously meant it; is that correct?

A No, I didn't mean it.

Q Did you say it for the purpose of deceiving somebody?

A I'm trying to read the transcript to find out.

Q Would you care for more time? Of course, with his Honor's permission.

THE COURT: All right. If reviewing the transcript will help you, Mr. Weinberg, go ahead.

(Pause.)

A I haven't the slightest reason. I would like to take this and study it tonight.

THE COURT: You're saying you don't recall the conversation?

THE WITNESS: No, I don't.

MR. BROWN: I ask to have the tape and see whether he made the statement. Perhaps that will refresh his recollection.

Would it be all right if he does take it tonight?

THE COURT: I assume you won't finish your cross today?

MR. BROWN: It is remotely possible.

THE COURT: Why don't you continue with your examination and see whether that remote possibility comes about.

MR. BROWN: I did request, if he does wish it, he have it.

Q Now, you had a particular person in mind when you cooperated in effectuating the idea that there should be an Arab as the person at the top of the pyramid of this game; is that correct?

A Not really.

Q Wasn't there a man who had been very friendly to you whom you remembered with respect whose name you employed to a degree?

A (No response.)

THE COURT: Do you understand that question?

THE WITNESS: No, I don't, your Honor.

Q Did you know an Arab whose name you borrowed and applied at least in form to ABSCAM?

A Yes, I did.

Q Well, would you tell us who that gentleman is?

A Gamil Abdul Ramon.

Q He was a gentleman who was prototyped to put at the top of the pyramid?

A Yes.

Q So at least that much you attributed to the concept of ABSCAM?

A Not really. I suggested it to them. They had a meeting and they decided to use it.

Q My question is, at least that much you contributed to the concept of ABSCAM; is that correct?

A I would say yes.

Q Is it also true that in the conferences where you contributed that the form of ABSCAM was being one where there is no front end payment need --

A No, that was contributed by the FBI.

Q Haven't you testified that in the London Investors scheme there was a front end amount paid in?

A That is correct.

Q That is a term in the con world, front loading?

A Advance fees.

Q Advance fees?

A Yes.

Q That is a category of a kind of technique in the con world?

A Yes.

Q That is what your syndications or franchises all over the world are taught?

A They knew it already.

Q How did you franchise an idea, you sold an idea?

A I don't follow you. Sold an idea to who?

Q To the person whom you franchise, you did franchise people?

A We had the company and they wanted to use the company name. We give them the right to use it.

Q They will use the company name and play the same scheme?

A Yes.

Q When you allowed them to use your company name, did you also on a percentage basis allow them to use your technique as well as your company and building?

A Only if they brought the customer in to us.

Q Is a mark used in a con?

A Yes, desperate men.

Q What is a desperate man?

A The only one that comes to you for money, he has to be. He would go to a normal bank if he weren't.

Q You mean, desperate in the sense of somebody who tried to borrow and couldn't?

A That is correct. He has no credit.

Q When he came to you and you proposed the loans, did you have in fact any way to work out a loan for these desperate people?

A Sometimes.

Q The plan did not include really giving money in the form of a loan --

A What we gave is the feasibility report and appraisal.

Q And what else did you provide for the people who paid you for the idea provided they brought people in? Did you give them the use of a building?

A The right to bring the people to our office. We didn't charge for the franchise.

Q You didn't charge for the franchise?

A No.

Q What was the purpose of having a franchise?

A They would bring people in to you.

Q They would get a cut of the action?

A Yes.

Q Where was this London Industries plant located?

A 275 Broad Hollow Road, Melville.

Q Can you describe it?

A In what way?

Q It was a grand, elegant place?

A It was a nice office.

Q That was the part of your idea of getting to a mark, having good offices and luxuries?

A Yes.

Q Is it also true that this was one of the ideas that you contributed to ABSCAM, if you were going to bring in the succor or mark, you had to have the luxuries and comfortable surroundings? Did you contribute that idea?

A I suggested that whatever ideas I had in mind to the Bureau. They made the decision. I didn't make any decisions.

Q I apologize if you misunderstood me.

My word was "contribute," not "decision." It was your contribution of this kind of technique that was adopted by the FBI decision makers; is that correct?

A That office was space for us to work out of.

Q The thing is to have a big front?

A We didn't have luxurious offices.

Q You had a yacht?

A Yes.

Q You talked about jet planes, you talked about luxuries?

A Yes, talked about it.

Q As opposed to actually having it, you talked about it?

A Yes.

Q The Government wouldn't give you the money

if you wanted it for that?

A I had nothing to do with the money for anything.

Q Is it true that you told Mr. Greene that according to Mr. Good you were the heart and soul of ABSCAM and without you it couldn't work?

A I didn't tell Mr. Greene that.

Q You heard that?

A I heard it.

Q From whom have you heard it?

A I seen the same outline that you seen.

Q You attribute that to Mr. Greene?

A Mr. Greene was trying to sell a book on that.

Q So were you along with Mr. Greene?

A He was the one trying to sell it.

Q Well, he would be sharing with you?

A That is correct.

Q If he shared it and did it successfully and it sold, that meant more money for you; is that correct?

A That is correct.

Q And the movie grew out of this story, that meant more money for you?

A That is correct.

Q Have you ever heard Mr. John Good say without

you ABSC AM would never have worked?

A No.

Q Did he show his appreciation of good work by increasing your salary?

A I don't know becuase of my good work or not.

Q Didn't you understand why you got an increase from one thousand to three thousand --

A Because I told him I wanted more money at the time.

Q Your work was what earned you money, is that correct?

A Well,I got the increase actually -- we weren't into anything, we just did the mayor.

Q You got an increase for nothing?

A No.

Q Was this a con job on the United States Government?

A No, we recovered something like $2 million in C.D.'s.

Q That would be earning money for you and the Government by your good work, is that correct?

A They gave me the extra money.

(Continued on next page.)

Q And during ABSCAM did you go up from 3,000 a month?

A I got 3,000 a month toward the end.

Q And have you ever gotten more than that per month?

A They gave me extra money near the end there.

Q It amounted to roughly, in terms of ABSCAM money, pretty close to $90,000? Did you count that up last night?

A Well, it was over 90,000.

Q 93,000?

A I think it's a 133.

Q Well, now, I am asking you only about ABSCAM. Let's be sure that that is what I am asking you about.

A I don't know whether it's just ABSCAM.

Q So as far as you know generally, then the 130 is ABSCAM, too?

A No, some of that money comes from 1968, '69.

Q Well now, you will understand when I ask you questions,I am not asking you about anything prior to 1978. When I ask you about monies earned, they relate only to ABSCAM. Will we understand each other?

A I understand. I haven't added up ABSCAM.

Q So far as ABSCAM, it may not be that total

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of 93,000? It might be less?

A That's right.

Q Your present salary is the 3,000 still?

A That's correct.

Q So your basic salary is about 36,000 a year?

A Tha's correct.

Q Now, you talked about expenses. Were your expenses over and above whatever salary you received?

I'm talking only about ABSCAM. Nothing else?

A That's correct.

Q Now, what did your expenses entail and how much did they amount to? Let's say,in the year '78?

A I haven't the slightest idea what it amount to in '78.

Q May I ask you this, Mr. -- I will withdraw the question and put it to you in this form. You are looking at an addition of amounts which are attributed to you as income, right?

The amounts -- that paper says you got certain monies from the Government as income in '78 and'79?

A Expenses are on here, too.

Q Are they?

A Yes.

Q What do they amount to? Let's say, in January

of '78?

A Nothing at all in January of '78.

Q What is the first month that is noted on the chart that you have?

A The first month I see is April 11, 1978.

Q April 11, 1978.

What expenses did you receive during that period?

A I got $160.

Q $160. Now, you were traveling at that time, I take it?

A No, I wasn't.

Q You were not. That was for home expenses?

A That was maybe just gasoline and food.

Q Phone?

A No. I used their phone.

Q I see.

But you did have a phone at home, didn't you?

A I did.

Q Now, may I call your attention to August of 1979.

Could you tell me whether or not you received expenses in that month?

A I did.

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Q What did you receive in that month?

A I received 8/17, $762.95. And then on August 22nd, I got -- well, that's moving expenses there.

Q Well, aside from moving expenses, did you receive money for room and restaurants and that kind of thing?

A I did. $1579.

Q Did that include the 7th, 8th and 9th of August?

A That I don't know. I have to look it up.

Q Well, you do recall, don't you, that you were staying at the Sherry Hill Hyatt House August 7th, 8th and 9th?

A I think the Mayor paid for us at that time.

Q What ever the Mayor paid for you, did you include that in your expense account?

A No.

Q You simply didn't charge for that?

A no.

Q Now, it is a fact that the Mayor on a number of occasions not only paid for you, but other persons working with you; is that right?

A That's right.

Q And he treated you as a guest; is that right?

A That's right.

Q And as a friend, I take it?

A That's correct.

And we did the same for him.

Q When did you treat him?

A We paid for his hotel room down in Florida.

We also paid for his plane fare down to Florida.

Q You paid for -- every time you went to Florida, you paid for his plane fare?

A One time he went with me. I paid for the airplane, hotel. And we paid for his hotel at the Hilton in Kennedy Airport.

Q These would be two occasions?

A Number of other occasions. I just have to find out.

Q The Hilton was an occasion when you had him there for a purpose, is that right?

A I think so.

Q What was the purpose you had him at the Hilton for?

A I have to check the date on that.

Q All right.

MR. BROWN: Now, I rather think, if your Honor

please -- may I address your Honor on some of these points? It would appear that I will examine him beyond 5:00 o'clock. You said we would quit then. So may I have your permission to suggest that he think about these, if he has the ability to answer them tomorrow morning? With your permission, may I suggest that?

THE COURT: That's all right.

Q Would you then, with His Honor's permission, Mr.Weinberg, I am going to ask you to check on those times when you paid. You seem to indicate that you can get the data when you paid for the Mayor?

A I will try to find out.

Q Will that be acceptable to you?

A Yes.

Q Now, will you be able to do that alone without conferring with Mr. Puccio?

A No.

Q Then I would ask you pursuant to the rule of Court that you do not then?

A All right.

Q Now, on August 6th, 7th, and 8th -- then, by the way, you will remember that August 7th is the date I showed you the 3500-105, the book I just showed you where

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allegedly you said, I'm the biggest liar in the world?

A Yes.

Q That was August 7th. So I am tying it physical with that time.

August 6th, 7th and 8th you stayed at the Sherry Hill Hyatt House; is that right?

A That's right.

Q And Mr. Poulos stayed there?

A Correct.

Q Mr.Brady?

A Correct.

Q Mr.DeVito?

A Correct.

Q All FBI agents except you; is that right?

A That's correct.

Q And Mr. Errichetti paid for all of those expenses, is that right?

A That is not right.

Q No, he did not? What expenses did he not pay for?

A If I remember correctly, Mr. Poulos paid his own because when he went to check out they told us the Mayor's credit was no good.

Q Well, did he pay for yours?

A No. The Mayor paid for ours.

Q Was his credit good enough to pay for yours?

A He sent Danny down to straighten it out.

Q Well, he-- Danny is his assistant, secretary?

A Secretary.

Q Wwll, he was good enough to be able to pay for you, and did he pay for McCloud at that time?

A I don't think McCloud was here at this time.

Q Was Margo Kennedy there at the time?

A On August 7th?

Q Yes.

A No.

Q Was there ever a time when you were the guest of the Mayor and Margo Kennedy was there and McCloud was there, and you were there and others?

A That's correct.

Q When as that? Could you tell us?

A I think it was February of '79.

Q In February of '79 would you tell us who the entire party consisted of? You named McCloud, you named Margo Kennedy. Who else?

A Tony DeVito was there. I was there. And Brady. Brady was there.

Q For that party, the Mayor paid?

A That's correct.

Q And his credit was okay on that occasion?

A His credit was okay on that occasion.

Q Now, who was Margo Kennedy? Would you tell us?

A She was an FBI agent.

Q Was she represented as being any particular person related to the Kennedys in Massachusetts?

A Mr.McCloud represented her as I think the secretary to the Emir.

Q Whom?

A Secretary to Abdul.

Q Abdul?

A Correct.

Q Was she also supposed to be his girl friend, according to McCloud's representation?

A I heard that. I don't know now true it is.

Q I mean,did you hear it among the bunch?

A I heard that among the bunch.

Q So that as far as the Mayor was concerned, he would be dealing with Margo Kennedy, who was the girl friend of Abdul, the Sheik?

A No. She was the secretary to the Sheik.

Q But as far as you know, it was said in the

group that she was the girl friend, I understood you to say?

A No. I heard she was the girl friend of McCloud.

Q Oh. Who did you hear that from?

A I just heard. If I remember correctly, Rosenberg came down and told me this, that they slept together.

Q Who was Rosenberg?

A Phil Rosenberg was the fellow who introduced us to the Mayor.

Q He told you that McCloud and Margo slept together?

A That's correct.

Q Did they have the same room, to your knowledge, at that time?

A They had the one room.

But he went down to the other room to sleep that night.

Q How do you know?

A Because I asked him.

Q And he told you that he was in there with Margo Kennedy,but sneaked down at night?

A Correct.

Q When I say, sneaked down, I mean sneak. Is that correct?

A I don't know if he sneaked, but he went down to the room.

Q Because two FBI agents not married in the same room would not be proper?

A That I don't know.

Q Well, McCloud was an FBI agent, was he not?

A That's correct.

Q The lady who called herself Margo Kennedy was an FBI agent, was she not?

A That's correct.

Q And they moved into the same room except in the initial hours of the weening evening, right?

A All I know is they didn't sleep together.

Q They didn't. You know that to be a fact?

A Well, that's what McCloud told me.

Q Well, you have had some experience with women as you describe in your new book, right? You would be able to understand the situation, wouldn't you?

Sir, I have asked you a question with reference to what you --

A I don't believe that McCloud slept with Margo.

(Continued on next page.)

Q Well, you would have some judgment in that area, wouldn't you?

A No judgment whatsoever.

* * *

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECR	RECROSS
MELVIN WEINBERG		1797		

DEFENDANTS' EXHIBITS:	DESCRIPTION	FOR ID.
I	Document	1862

COURT EXHIBIT:	DESCRIPTION	IN EV.
7	Letter	1793

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 20, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICOZZI
OFFICIAL COURT REPORTER

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* * *

CROSS EXAMINATION

BY MR. BROWN: (Continuing)

Q Good morning, Mr. Weinberg.

A Good morning.

Q I called your attention yesterday, I believe, to the fact that in a certain conversation which was a conversation of September 5th, I believe, you called yourself the world's biggest liar, right?

A Yes.

Q That is a long transcript?

A Yes.

Q The question that I put to you thereafter, as you said this to deceive someone or were you sincere in calling yourself the world's biggest liar, and you said you wanted to look at the transcript?

A That is correct.

Q You had that opportunity?

A Yes.

Q Is it a fact you are the world's biggest liar or did you tell someone that for the purpose of deception?

A (No response.)

THE COURT: Which question you want answered?

MR. BROWN: It's one question, but I will rephrase it.

Q Are you the world's biggest liar?

A That is not true.

Q How do you stand worldwide?

MR. PUCCIO: I object.

THE COURT: Sustained.

MR. PUCCIO: Referring to transcript of September 7th?

MR. BROWN: You are right.

Q Did you however say that?

A That was said when I was speaking about a certain party in that transcript.

Q You were saying the other person was the world's biggest liar?

A Supposed to be he is. I said I am the --

Q What it says in the transcript is, waiting for two hours, I am lying, the world's biggest -- that is --

A That is correct.

Q Now, you have been question about the man who was Mr. Amoroso's predecessor and working with you with respect to ABSCAM; do you remember questions directed toward that gentleman?

A Yes.

Q That was Agent McCloud, nom de guerre' for the operation -- his name was McCarthy -- he was called McCloud?

A Yes.

Q The question was whether or not you had been unhappy with his performance thereby causing Mr. Amoroso to replace him; do you remember questions to that point?

A No.

Q Is it a fact that Mr. McCloud, McCarthy, worked with you for a while?

A Yes.

Q When did he begin working with you?

A '78.

Q When in '78 if you can help us?

A He was with me before ABSCAM started and he was in charge of ABSCAM when it started.

Q When would you say ABSCAM started?

A I am not sure. I think it was June or July.

Q Of '78?

A That is correct.

Q At that time, he had been working -- previous -- working with you?

A He works for the FBI, not for me.

Q He worked with you on ABSCAM?

A I worked with him.

Q Well, you worked together, I assume, is that correct?

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A We worked together.

Q How long did you work together on the operation called ABSCAM?

A I would say I think it was up to February or March.

Q Of '79?

A That is correct.

Q Now, February or March '79, agent named Amoroso, comes in?

A Yes.

Q Is that correct?

A That is correct.

Q Would you accept the adjustment like January that Mr. Amoroso came aboard?

A I don't know the exact date. I believe February or January was the first time I met him.

Q Did McCarthy, McCloud, continue to work with you and Mr. Amoroso?

A (No response.)

Q On ABSCAM, the ABSCAM operation.

A He was still connected with it.

Q Did there come a time when he was no longer connected?

A As far as I know he was always connected with

ABSCAM.

Q Up until the end?

A As far as I know.

Q Did he work with you in ABSCAM from February to March when Mr. Amoroso came onboard?

A He was still connected with it, but I was working out in the field with Mr. Amoroso.

Q A more correct statement would be that he -- Mr. McCloud continued with ABSCAM, but you and Mr. Amoroso were in the field?

A Yes.

Q McCarthy, McCloud, worked with you together in the field prior to February, March '79, and he was no longer in th field, would that be a fair statememt?

A Yes.

Q Now, you were asked about McCloud, whether or not you were pleased with his performance?

A Yes.

Q You said that you wouldn't have cast him for the part, but he did pretty well, is that correct?

A Yes.

Q Then, Mr. Amoroso came on as you just described?

A Yes.

Q Now, did Mr. McCloud, McCarthy's departure from

the field have anything to do with the incident which you described yesterday with him and Margo Kennedy?

A Not to my knowledge.

Q It came about the same time, didn't it?

A No.

MR. PUCCIO: I object to it.

THE COURT: Sustained.

Q Throughout this procedure, your advice was respected by the FBI, wasn't it?

A I don't know that.

Q Isn't it a fact that the Abdul Enterprise which was set up here was actully the same operation you had used in the Pittsburgh scam which resulted in your indictment in Pittsburgh?

A I wouldn't say the same operation.

Q You wouldn't say the same operation?

A Followed in the same order.

Q You used the same name, that is for sure?

A I don't follow you.

Q You had used the name Abdul Enterprises in your own personal scam prior to the ABSCAM scenario?

A That is not true.

Q Let me see, you recall being asked this question yesterday and did you give this answer starting on

Page 1706:

"Question: When you came up at that time with the idea of Arabs and oil money; isn't that correct?

"Answer: I came up and suggested the name of Abdul Enterprises."

Do you recall that?

A That is correct.

(Continued on next page.)

Q "Question: Have you ever used that name before?

"Answer: I may have. Emil Abdul Ramon was a friend of mine."

Do you recall that?

That's true?

A That's true.

Q "He lives in Nice. He lives in Nice.

"Question: In Nice?"

And your answer, "In Nice, France."

Those questions and answers are true?

A That's true.

Q Were you asked these questions and did you give these answers:

"And you had used that name before Abdul in one of your scams?"

Do you remember that question?

A That's true.

Q Do you recall this?

"Answer: I used it when I went to Pittsburgh to get the cases I was working on. I used that name from then until I got put on probation."

A That is true.

Q Now then, you had used the name Abdul Enterprises in the scam that resulted in the Pittsburgh indictment; is

that right?

A I used that name when I was working with the FBI at the time, but I did not use that name when I was working for myself.

Q Well, may I call your attention to the question and answer again? This question: "And you had used that name before Abdul --"

MR. PUCCIO: I object to this as being asked and answered.

MR. BROWN: I say it's contradictory.

THE COURT: It doesn't sound like it to me, Mr. Brown.

MR. BROWN: Well,he says --

THE COURT: Read it.

MR. BROWN: That's what I was attempting to do.

THE COURT: Go ahead.

Q "And you used that name before Abdul Enterprises in one of your scams?"

That was the question.

"Answer: I used it when I went to Pittsburgh to get the cases I was working on. I used that name from then until I got put on probation."

A That's correct.

Q Now, did you use Abdul Enterprises as a scam?

A No. I was working for the FBI at the time.

Q So that when you were in Pittsburgh -- "I used it when I went to Pittsburgh."

Now, when was this that you were working with the FBI using Abdul Enterprises, sir?

A I think it was in 1977 I started 278.

Q So that from 1977 on you were using Abdul Enterprises?

A I was working with agents undercover at the time and we were using the name Abdul Enterprises.

Q Was Abdul Enterprises one that you had personally used in any adventures of your own?

A No.

Q Now, when you used Abdul Enterprises you were operating in what area, may I ask?

A We weren't using Abdul Enterprises.We were using the Arab name.

Q Let me ask you again. Do you recall the question -- you were asked to use the name before Abdul Enterprises in one of your scams, and you said, "I used it when I went to Pittsburgh."

Is that correct or incorrect?

A I meant to say that that -- that is wrong. We used the name -- we never used Abdul Enterprises. We used

Emil Abdul Ramon.

Q So the record is incorrect and should be corrected? And when you answered yesterday you answered incorrectly?

A I answered incorrect.

Q I see.

Now, when you used Mr. Abdul Ramon's name, how was that employed for the FBI at that time?

A We claimed -- we were trying to get in with this here group of organized crime people. And we told them that the agents I introduced to them, that they worked for Emil Abdul Ramon.

Q You also said yesterday, I used it when I went to Pittsburgh and to get the cases I was working on.

Does that mean to get the undercover cases?

A When I went to Pittsburgh to cop my plea, they asked me to work on certain cases. And I used that name on those cases.

Q In order to earn -- until you got put on probation?

A That's correct.

Q So you earned your probation by employing Mr. Abdul's name in the underground work that you have described?

A That's correct.

Q So between the time you pleaded guilty, then, is it correct to say you worked for the FBI and that's why you were put on probation?

A That's correct.

Q And at the same time you also earned a deal for Lady Evelyn Knight whereby you virtually cut her loose? Exculpated her; is that correct?

A That's correct.

Q And you did that because you felt responsible for bringing her into the Pittsburgh; is that true?

A She had nothing to do with it whatsoever.

Q But she did serve a part? She played a part in that scenario?

A Never played a part. Just used the name.

Q Just used the name?

A We just used the name. She was never involved in any meeting.

Q You mean physically she didn't?

A Correct.

Q You just represented to the victims that there is this lady who is of great wealth?

A Correct.

Q So to that extent alone she was a part of it?

A She was indicted on that.

Q Now, you did bring some ladies into this -- the current operation? From time to time there were women who didn't play a particular part, but who were present; is that correct?

A The only woman that I know that was in was Margo.

Q That's all?

Lady Evelyn Knight never played a part?

A No.

Q Now, isn't it a fact that Lady Evelyn Knight worked until she was almost detected as an FBI agent?

A That is not true.

Q That is not true? Why was -- did there come a time when she was no longer in the field working with you and Mr. Amoroso?

MR. PUCCIO: I am sorry. Did you mean Margo worked -- you said, Lady Evelyn.

MR. BROWN: I am sorry.

Q Did Margo until she was detected or almost?

A Margo came to -- if I remember correctly, to one meeting in the Holly and Jack may have had been with her a couple of times, meeting, and then she was detected. She was on the front page arresting a hi-jacker. And it said, FBI agent arrests hi-jacker.

Q That's why she no longer operated in the field?

A I don't know.

Q As far as you know, that terminated her?

A Correct.

Q Her work in the field with you anyway; is that correct?

A Not with me. The agency had something to do with it. Not me.

Q Well, when I say worked in the field with you, I am going on the assumption that your field work was one that you worked with certain agents; am I correct?

A That's correct.

Q Except in those instances where you made telephone calls on your own from your home, right?

A That's correct.

Q You would then be unsupervised in the sense that the agents wouldn't be near you; is that right?

A That's correct.

Q Now -- by the way, you have testified heretofore in Philadelphia about the way you operated in taping phone calls; is that not a fact?

A I think I did.

(Continued on next page.)

Q And you testified there that you used the suction cup; is that correct?

A I used a suction cup and the -- originally we used the thing that fits on the ear piece.

Q Do you reall your testimony in Philadelphia with respect to the suction cup?

A We did use a suction cup, too.

Q How often did you use the suction cup?

When you say, "we", you're speaking generically? You always taped alone, the phone conversations, didn't you?

A Not all the time alone. There were times when agents were there.

Q How often did that occur?

A It occurred in the hotel rooms, Townhouse or at the condominimum.

Q And, of course, there were always records of those phone calls; is that right?

A I suppose so.

Q Well, do you have any knowledge as to whether or not there are any phone calls that you recorded when there were actually no toll calls recorded? Do you have any idea of that?

A There may be.

Q Well, how would you report a telephone call if

it was not on the toll? In other words, the toll call is one where the company records the charge. Do we agree on that?

A That's correct.

Q Do you say there were some calls made where the Telephone Company did not record it, the charge?

A Those would be calls that were made to me.

Q Now, what about calls that you made to anyone else?

Do you believe that there should have been a record for the phone company's benefit of charges?

A I don't follow that question.

Q Well, let me call to your attention, and I approach --

MR. BROWN: If I may, your Honor?

THE COURT: Yes.

MR. BROWN: I am using Court Exhibit, your Honor, 80000249, which is the index of 3500 exhibits.

THE COURT: All right.

Q I want to call your attention to this, to a particular phone call which is denominated, 3500-65 and has a circle around it, and which is indicated as having been made June 16, 1979 from M. W., which I assume that is you?

A That's correct.

Q So that would be a call for which there should be a toll; is that right?

A Well,that call was made in Virginia.

Q Or shouldn't there be a -- were you living in Virginia?

Was that any post from which you would call?

A You have to check if I was staying at a hotel or at the Townhouse.

Q Perhaps you could tell me. Do you have any recollection?

A I wouldn't have the slightest idea.

Q All right.

But you do concede that there were certain telephone calls made for which there would be no tolls either because they came from someone else to you or because you were at a hotel or other installation; is that right?

A That's correct.

Q Thank you.

Now, if there is a call from Errichetti to you, I suppose you would not in all instances know where he was calling from; is that right?

A That's correct.

Q Now, with respect to the suction cup, there was a demonstration here yesterday with respect to a telephone

and some unit on it, and you sat in this chair and you went through some actions; is that right?

A Correct.

Q Was that unit attached to that phone, as far as you know, a suction cup?

A I used the suction cup on occasion.

Q Let me --

THE COURT: The question that he asked you whether the unit that you had here was what you were referring to as a suction cup?

MR. BROWN: That's right.

THE WITNESS: No.

Q It's also true, isn't it, that you said that that unit, the unit you really used at home, the receiver was square?

A That's correct.

Q And the one we saw was round?

A Yes.

Q Now, I want to show you an item.

MR. BROWN: Your Honor, may I mark it for identification?

THE COURT: Yes.

MR. BROWN: Marked Defendant's Exhibit for identification, your Honor, N.

THE COURT: All right.

MR. BROWN: May I approach?

THE COURT: Yes.

Q I show you an exhibit which has been marked N, Mr. Weinberg. I ask you to examine it, if you will. Would that more likely be a facsimile of what you used as a suction cup?

A At times, yes.

Q Well, how often would you use the suction cup?

A In certain hotels we found out that the unit we were using, the head piece wasn't working, had too much static. And the technical guy gave me a suction cup. That if you use the suction cup you will get it a little better.

Q I see.

And from time to time that would fall off and you would miss some part of the conversation obviously?

A That has happened.

Q So then is it fair to say that you used both the kind of device that you demonstrated yesterday and the suction cup?

A That's correct.

Q How often did that suction cup fall off, that piece that you were trying to record the conversation?

Have you any recollection whatsoever?

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A None whatsoever.

Q But it could be a number of times?

A That's true.

Q So to that degree, the conversation that you tried to record, could not be complete obviously; is that right?

A That's true.

Q Now, you have reviewed a number of transcripts. Have you seen any transcripts supposedly recording telephone convesation where there was an indication that there was a break or some gap that you would attribute to that device?

A None that I remember.

Q So that it would be almost impossible to determine how many telephone calls were really incomplete because of using Defendant's Exhibit N?

A Well, if this fell off, you would still hear my voice.

Q You would hear one side?

A Correct.

Q So that it would be a half of a conversation?

A That's correct.

Q Now --

THE COURT: You say if it fell off. Where did you fasten the suction cup?

THE WITNESS: The suction cup would go on the ear piece. When this fell off you would still hear my voice.

Q What would be recording? Isn't that the device that you would lead to the recording machine?

A That's correct.

Q Well, if that fell off, wouldn't the recording of either conversation be interrupted, sir?

A No.

You still hear the person that is speaking on the phone. You will hear their voice.

Q On what?

You have nothing attached to the recording unit; isn't that true?

A You still hear my voice on it.

MR. BROWN: May I approach?

THE COURT: Yes.

Q Sir, the only way you could record with either device, with either the device you used yesterday or Defendant's Exhibit N, would be to have the unit -- if I may use this to simulate a telephone?

A Yes.

Q It would be attached there, and this would be attached to the recording device. Now, when that voice falls

off the recording device, then nothing goes into that little tape, does it?

A I'm pretty sure you will hear my voice if you are talking on it.

Q Now, tell me -- if I may once more, may I use this phone to simulate. If I get close to where you would put this, would you tell me to stop as I run --

A It goes on the other end, by the --

Q That's the receiver?

A Right.

THE COURT: You've got it on the speaker.

MR. BROWN: He said, the other end. I guess I am wrong.

Q Receiver. You and I were both wrong. That's the receiver?

A Correct.

Q Do we agree?

Okay. I am on the receiver and I am plugged into --

MR. BROWN: Do you have a device.

Q Now, this is the way it would be functioning, right? Plugged in?

A Yes.

Q This falls off?

A Right.

Q You're talking?

A Right.

Q Now, how does the sound get into the receiver?

A I'm pretty sure it would still pick up on that.

Q Okay.

Because this will pick up a sound even in the Courtroom; is that right?

A I'm pretty sure.

Q Pretty sure.

Well now, you worked with Mr. -- with this for a long time. Are you absolutely sure?

A I never listen to tapes after I made them.

Q Oh, I see.

So you couldn't be absolutely sure it worked.

Maybe it does or maybe it doesn't, right?

A I'm pretty sure it does. It will pick it up.

Q No.

MR. BROWN: Excuse me. I am here without permission. But I am sorry.

Q Well now, tell me, after using this all this time do you know whether or not it would pick up? Maybe it does ot doesn't. But do you know?

A I really can't say.

Q You can't say one way or the other?

A Well, we can test it.

Q But let's deal with your version by saying that these transcripts you reviewed were all correct.

You never reviewed them, did you, after you made them?

A I never listened to the tapes after I made them.

Q So you don't know what came off the tape in terms of sound?

A Correct.

Q And then it is true, isn't it, that whenever you are asked a question about a particular conversation, you always ask to see the tape to refresh your recollection or to make sure; is that right?

A That's correct.

Q And -- but you have never compared the sound that would go into that little receiver with the transcript?

A I have listened to the tapes the last -- let's say, five months, going over them.

Q But you never did when you made them?

A The only time I listened to the tape when I made it, if John Good called me up and he wanted to hear one of the tapes, I would play it back to him.

Q That would be a rare occasion, wouldn't it?

A No. That was quite often.

Q Now, you didn't make a transcript even at that time obviously?

A I had nothing to do with the transcripts, with making them.

Q The point is that when you even heard it played back -- let's say, the call was from your Florida home, for example. You made calls from Florida, is that right?

A Yes.

Q When you -- even when you talked to Mr. Good, you played the thing back over the phone so he could hear, I assume; is that correct?

A That's correct.

Q Then you put it away?

A Correct.

Q And then eight, ten days or whatever, you turned it over to the FBI?

A That's correct.

Q And sometimes that would run anywheres from two days to two weeks, right?

A Correct.

Q Now, from that point on, you didn't until the last month compare what had gone into that unit with what came

off on a transcsript?

A Up to around February.

Q I say -- forgive me. I did not speak clearly. Up until the last few months was my preface, right?

Do you accept that?

A I accept that.

Q Up to the last few months you never compared what went on the tape with the transcript?

A That's correct.

Q When you reviewed them for the last few months, you were preparing for trial in the ABSCAM cases,right?

A Right.

Q When you did that -- and correct me if I am wrong -- you were working with Mr. Puccio or members of the staff to listen and compare?

A Correct.

Q And, therfore, your memory had to bridge the gap from the time that the unit was put together, sound put on it, and until the time you sat down six months ago with the group here, the Government group?

A Correct.

Q Sometimes that would be a year?

A A year?

Q How long would it be? What is the oldest tape?

A I would say, yes.

Q That could be a year, right?

A That is correct.

Q I don't want to confuse you. I mean a year from the time you actually made the tape, let's say, in June of '79 until three or four months ago when you sat down to listen, it would be a year?

A Those tapes were all placed in evidence.

Q Yes, they were. You are right. But I am asking you about the gap. Between the time you would have made it, for example, June 16, 1979, and the time two or three months ago when you sat down with the Government people to begin to review them, it would have been a year gap?

A That's correct.

Q Roughly. All right.

Now, to get back to Mr. McCloud, McCarthy, I would -- you had a chance to read last night I believe that August tape which I have just referred to in which you said in error, I am the biggest liar in the world. Do you recall having read further in that tape about a conversation which you had about Mr.McCloud, whom you described as someone who is no longer your boss?

MR. PUCCIO: Judge, I object and ask that the statement be stricken before the question.

THE COURT: Sustained. Disregard the statement.

Q Well--

MR. BROWN: May I approach, your Honor?

Q This is the same tape that you read last night. I will show you -- identify it for you so you are sure of that. Here is Page 79. Right. Here is the beginning of the tape, which is the tape of August 7th. Are you satisfied with that?

A I am satisfied.

Q Okay.

Now, I call your attention now to Page 99, starting from wherever you want to read, but the point that I shall attempt to make and the words I will refer to start at the beginning -- the middle of the page, sir.

MR. BROWN: May I stay here just for a moment, your Honor?

THE COURT: Yes.

Q Have you had a chance to review it?

A Yes.

Q All right.

I will take it from you. Will you remember it sufficiently if I take it from you?

A Yes.

Q Now, Page 99 contains a reference to a former

boss, a new boss, Tony, right?

A That's correct.

Q And the former boss, who I assume to be, subject to your correction, McCloud?

A Correct.

Q All right.

Now, in referring to Mr. McCloud, your former boss, isn't it a fact that you say that Tony is a main boss. All right. As long as we do what he wants we can get it through. There's no problem. Right?

A That's correct.

Q But, you know, we got to go -- if we start cutting corners, you're going to catch us.

A Correct.

Q See, we had a bad experience here. We had a guy in there that f-u-c-k-e-d up bad, and, you know, you take off.

Now, is that a reference to Mr. McCloud?

A This was a stalling tactic that we used.

Q No, no. Please.

MR. BROWN: It is not responsive, your Honor. I am asking if the words refer to a particular person, your Honor. I asked for no description.

THE COURT: When you say, a guy in there, did

you have in mind Mr. McCloud?

THE WITNESS: That's correct.

Q So that when you say, we had a guy in there that f-u-c-k-e-d up bad, and, you know, you take off, you're referring to McCloud? Whatever the surrounding circumstances, you did say that?

A That's correct.

Q And then Mr. Errichetti says, his former boss who I met once. And then I.A. meaning inaudible, according to the code of the transcript; is that right?

A That's correct.

Q So that his former boss who I once met inaudible, right?

You agree?

A Yes.

Q And Mel Weinberg, well, once you met more than one.

Errichetti, once. All right. A couple of times.

And then Mr. T.D. That's Mr. Amoroso, right?

A Yes.

Q But the guy, you know, he screwed a lot of things up and now he's -- you know, he's still with the outfit.

Now, the man that Mr. Amoroso says screwed up is Mr. McCloud?

A Correct.

Q And then you said, he's an old Kennedy man. Is that correct?

A That's correct.

Q Then Mr. Amoroso, he's a -- you know, he's still looking out to f-u-c-k us. If we do something that looks bad that he can nail us with, right?

That's correct, isn't it?

A Yes.

Q And then you say, it's big brother watching us, right?

A Correct.

Q Now, we'll go to the next page so you can remember more effectively.

MR. BROWN: I will bring that, with your permission, Judge.

THE COURT: Yes.

Q Page 100. If you read from the top down.

Now, up to this point you have agreed that you and Mr. Amoroso stated in the presence of Mr. Errichetti that Mr. McCarthy-McCloud, who had worked with you as your described formally, was the guy who screwed up and who was-- hadn't done the job, right?

A That's correct.

Q So whatever your hidden meaning, that's what you said?

A That's correct.

Q And that like the rest of these transcripts it comes out as words on the tape?

A Correct.

Q So those words on the tape like other words on the tape don't have the same meaning that they give when you hear them and read them?

A I don't follow that.

Q Well, I am reading this before the jury, right?

A Correct.

Q And the words say thus and so. And you say, no --

MR. BROWN: Excuse me, Judge.

Q You say,no. That's not what they mean really. Isn't that right?

A That's right.

Q So that when the tape comes off -- this tape, for example, what is on the tape is not really what is meant even though words are said; is that right?

A No, that is not right.

Q Well, did those words reflect what you meant to say in truth, in your heart?

A If you had the whole tape and played it you knew what the whole thing meant.

Q I am asking you, do those words which came out of your mouth and go down on that paper after they are transcribed indicate what you really meant when you said the words?

A That is correct.

Q Then you meant that McCloud was a fuck up; is that right, to use your words?

A At this time we were saying it.

Q You meant it?

A I didn't mean it really.

Q Well then -- well then, the words were not truthful; isn't that correct?

A At the time that we were having this conversation, it was truthful.

MR. BROWN: I ask that it's not responsive, your Honor.

I am only asking him for the words that came out of that page are truthful words.

MR. PUCCIO: My objection is it's been asked and answered.

MR. BROWN: He's not answered it. He's denied it.

THE COURT: Mr. Weinberg, when you said you and Mr. Amoroso said these things to Mr. Errichetti, did you believe they were true?

THE WITNESS: No.

THE COURT: Did Mr. Weinberg believe they were true, as far as you know -- I am sorry, Mr.Errichetti, did the believe they were true?

A He believed they were true.

THE COURT: Or at least you wanted him to believe?

THE WITNESS: We wanted him to believe.

MR. BROWN: But, your Honor, as he put --

Q You accepted the -- Errichetti accepted what you said?

A Yes.

Q So you were deliberately lying to him at that point?

MR. PUCCIO: I object. Asked and answered.

MR. BROWN: There's no other interpretation for whatever purpose, if your Honor please.

THE COURT: Some people put strange meanings to the word, lie. I don't know whether this witness does or not. I think he has made it clear what he was doing. Whether it was characterized as a lie I

guess depends on the particular individual's interpretation of that term.

MR. BROWN: Well, Judge, if it's a word that is not true and designed to mislead, that in our language is a lie. Whether it has justification or not is something else.

THE COURT: Well, in your vocabulary it might and even in mine, but I have found sitting as a trial judge that some people interpret the justification as determining whether you are dealing with a quote lie unquote, or whether it has some other label that should be attached to it.

Next question, please.

(Continued on next page.)

MR. BROWN: You have no objection to my using it as I say it?

THE COURT: I am only concerned with communication in the Courtroom. I am trying to get to the stage where witnesses give testimony and when we get to summations you can use whatever words you wish.

It's not too much my concerning whether everybody understands the words we are using now. At times --

MR. BROWN: I better understand them or I am in trouble.

THE COURT: Lawyers are usually pretty good with words. If you want to have the witness explain his term, if you are using terms, you can define them. You can use them without defining them.

MR. BROWN: Thank you.

Q What do you consider a lie to be, Mr. Weinberg?

A A lie, if I tell an out and out lie for gameful means. Here I was trying to protect myself and we were talking in a story and we had problems with Mr. Errichetti and Jack and we were going along with it.

Q Problem with Errichetti and Jack?

A Yes.

Q That is McCarthy?

A Yes.

Q The statements you made were designed to deceive Errichetti insofar as his relation with Jack was concerned?

A Yes.

Q It was a double misleading effort, designed to mislead Errichetti at the same time not the truth about McCloud?

A Not the truth about McCloud, he is a God damn good agent.

Q But you got rid of him, didn't you?

A I didn't get rid of him.

Q Did you get rid of him because he and Margo were concerned about the poloticial effects in terms of Mr. Kennedy?

A That is not true.

Q You're the one that called him an old Kennedy man?

A McCloud came from the Boston headquarters and he was connected with the old Kennedy clan up there. That is why he knows aout politicians.

Q Let's see what is next said.

Mr. Amoroso in your presence says, referring to McCloud -- the reference is to McCloud?

A Yes.

Q Period, period, period all the mistakes he made, he is people starting putting in guidelines, the way they want things done, the guy had it made, you know, he had a free ticket -- as it says here, that was not true, was it?

MR. PUCCIO: I object to the form of the question, Judge.

THE COURT: Overruled.

Q That was not a true statement for all the mistakes he made these people starting putting in little guidelines about the way they wanted things done?

A It was not true.

Q You then joined in, let me tell you what he did, he alone says politician friend at 8 or 9 percent -- did you say that?

A I said that.

Q Then, H.C. I assume is Howard Criden?

A Yes.

Q He says: Did any of them go back, and Mr. Weinberg, no, how can they go bad, ain't making no money on it. Then you went on to say he had lost certain things, is that correct?

You say that, and Mr. Amoroso says he lost a couple of things, and you said, one big thing in Boca Raton,

paid the guy, wasn't even a commission, right?

A Yes.

Q Was all that true?

A Untrue.

Q It's true however, that you felt that Mr. McCloud was badly cast for the part he played?

A He wasn't badly cast, when it comes to organized crime he didn't exactly know how to handle it.

Q Let's see what you said on Page 1873 yesterday.

You were asked by Mr. Duffy: "I mean you spent your whole life sizing up people. Would you size him up as a straight arrow?

"Answer: Not really."

When you said you didn't think he as a straight arrow, were you saying you didn't think he was a straight man?

A No, I mean he will have a drink once in a while and go out--

Q You mean a man who has a drink once in a while is not straight?

A No.

Q What is a straight arrow?

A A straight arrow to me means a fellow who doesn't

go out and at night stays in his room and watches television.

Q If you don't do that you ain't straight?

A We are not talking about being crooked.

Q Then Mr. Duffy said: "I guess you could say that,what do you mean?

"Answer: He looks more like a Police Sergeant.

"Question: He looks like a cop, right?

"Answer: That's correct."

Then there are further questions.

Then, Mr. Duffy asks you a question: "You don't know what a swinger is. You don't know what that refers to?

"Answer: I don't know what you mean by a swinger.

"Question: A person who -- like he frequents night clubs or is used to high living and traveling on jets and first class, the kind of thing that you were trying to portray as your own life style in the Abdul ABSCAM Investigation?

"Answer; He can get by."

Then you went on to say: "Question: If he looks like a Police Sergeant are you telling this jury that he would be that? That kind of person you would cast in the role of your associate?

"Answer: Well, I personally wouldn't have cast him, but he got by."

A That is correct.

Q The problem was he drank a little bit and just didn't fit?

A I don't know about his drinking.

Q I thought you mentioned that, I'm sorry.

When you came down to it however, you were trying to give Mr. Errichetti by using these words which were false, is that correct?

A The words were used in there were play acting.

Q Oh.

Well, throughout ABSCAM there was a lot of play acting, wasn't there?

A We had to put a certain image up.

Q These television units that we see displayed with the pictures, I am sure you are familiar with. You are familiar with the tape versions played over the television set?

A That is correct.

Q There was a lot of play acting in there?

A No, that was not play acting. You pretended to be a friend of Mr. Erichetti and a friend of the people he brought in, right?

A I didn't meet them until they came up there.

Q You played the part of being a confederate?

A What do you mean by that?

Q There came a time in the course of the ABSCAM investigation when you decided -- withdrawn.

It was decided that the impression should be conveyed to other people you were not loyal to Abdul Enterprises and the Sheik?

A Yes.

Q There were timesin the course of the -- of these events when you talked to Mr. Errichetti and others in terms of getting money for yourself and beating the Sheik?

A We spoke about on land deals doing that.

Q You should get something for yourself because he's got more money than he can use?

A Only on land deals.

Q Did you in the course of this investigation pretend, play act, that you were disloyal to the Sheik?

A Mr. Errichetti.

Q Did you at anytime in the course of the investigation, in the course of your play acting, pretend you were disloyal to the Sheik and Abdul Enterprises?

A That is correct.

Q I deliberately used the word play acting.

A That is correct.

Q When did you begin to play act in that role of conveying an impression that you were now disloyal to the Sheik and how to make money for yourself?

A Repeat that again?

Q I will withdraw it.

Did there come a time in the course of the investigation when you deliberately conveyed the play acting idea you were willing to work for somebody to beat the Sheik to make money off the Sheik, you were disloyal?

A I don't follow your question.

Q Did there come a time when you pretended you wer disloyal to the Sheik?

A The time came when Mr. Errichetti offered us a proposition.

Q Please answer the question.

Did there ever come a time when you pretended that you were disloyal to the Sheik?

A That is a double barrel question you are giving me.

Q Let me ask if it has been asked of you before.

I certainly intend no double barrel questions.

Forgive me for a moment, if your Honor please.

THE COURT: All right.

(Pause.)

MR. BROWN: Thank you, I found it.

Q I call your attention to the testimony of August 19th, Page 1859, I will start at the top to give the continunity, with the Court's permission.

"Question: So that whatever they might think of how you looked or how you sounded, there was this background that it must be true because Chase Manhattan says it's true, right?

"Answer: That's correct.

"Question: As a matter of fact, everybody else used a pseudonym, an undercover name, false name except you, right?

"Answer; Correct.

"Question: Because it's a part of you concept of this scam that you are not supposed to be entirely loyal to your employer, right?

"Answer: No, that wasn't true in the beginning.

"Question: Well, as it was true in July of 1979 -- wasn't it true?

"Answer: In '79, that's correct."

Were those questions and answers true and correct?

A When he asked that question he asked about using my right name.

Q May I recall your attention to the questions not concerned with the name on Page 1859, line 13:

"Question: Because it's a part of your concept of this scam that you are not supposed to be entirely loyal to your employer, right?

"Answer: No, it wasn't true in the beginning.

"Question: Well, as it was true in July of 1979 -- wasn't it true?

"Answer: In '79, that's correct."

That reference to loyalty is to your employer Abdul Enterprises, is that not so?

A That is a hard question to answer yes or no.

Q You did answer it because you said no, it wasn't true in the beginning.

That is so, or --

A That is one of your double barrel questions I have been talking about. I was talking about my name.

Q I didn't ask you that.

A I know who asked me.

Q Mr. Duffy asked you.

Mr.Duffy is a person who asks double barrel questions.

MR. DUFFY: Objection.

THE COURT: Sustained.

Q May I read it to you again and ask you if you recall the question and answer being correct:

"Because it's part of your concept of this scam that you are not supposed to be entirely loyal to your employer, right?

"Answer: No, it wasn't true in the beginning.

"Question: Well,as it was true in July of '79, wasn't it true?

"Answer: In '79, that's correct"

There is -- that is not dealing with your name. I call that to your attention. I ask if that question was asked and --

A Why don't you start the question at the beginning when he asked about the name?

Q I read the entire matter. I will read it to you once more:

"Question: So that whatever they might think of how you looked or how you sounded, there was this background that it must be true because Chase Manhattan says it's true, right?

"Answer: That's correct."

Do you remember me reading that?

A Yes.

Q I went on, and that had nothing to do with what we were talking about?

A Yes.

Q Do you remember that?

A Yes.

Q I read then: "Because it's a part of your concept of this scam that you are not supposed to be entirely loyal to your employer, right?

"Answer: No, that wasn't true in the beginning.

"Question: Well, as it was true in July of 1979 -- wasn't it true?

"Answer: In '79, that's correct."

Now, is that a true series of questions and answers to wit, that you were not in your play acting not to be loyal to the Sheik, your employer, but out for yourself and others, according to the play acting?

A That is true according to the play acting.

(Continued on next page.)

Q While that wasn't true in the beginning, it subsequently became part of your act?

A Yes.

Q You were out to make a piece of change for yourself? I'm not saying you, that is part of the play acting, right?

Certainly you ever went out to get a piece of change for yourself, is that correct?

A (No response.)

Q That is a question.

A I never got a piece of change at all.

Q You were never out to get a piece of change for yourself?

A That is correct.

Q When you said so here, and it follows with the following questions and answers:

"Answer: In '79, that's correct.

"Question: Okay.

"As of the time you met Howard Criden for the first time, it was a part of your scam that you weren't supposed to be entirely loyal to these Arabs?

"Answer: That's correct.

"Question: You were out to make a piece of change for yourself?

"Answer: Correct."

That is what you said. Now, I am assuming, sir, that is play acting and you weren't in truth out to make a piece of change for yourself?

A That was play acting.

Q To that extent, as of July '79, it becomes play acting to that degree, right?

A Yes.

Q You do this play acting in front of Mr. Criden or Mr. Errichetti on this occasion?

A Yes.

Q Now, isn't it true also that you continued to use your name because Mel Weinberg was the name known in the world of the con artists and the DP's, desperate persons?

A The reason is it was also known to organized crime.

Q Because you were known to organized crime?

A That is correct.

Q Would that bring organized crime to you?

A If we need someone to vouch, they would know, and I would give the okay.

Q To oranized crime?

A Yes.

Q You can give okays to organized crime?

A They called up and wanted to know if Abdul was for real, I would say so.

Q And organized crime would believe you?

A They did,

Q Because you had established your credibility and your reliability to the satisfaction of the organized crime figures of this region?

A I knew them.

Q You had earned their respect and you had earned their sense of your loyalty and they could believe Mel Weinberg if he said it was so?

A I don't know if they believed me. They called up to check. I would say we are --

Q You said if you said you were --

A I didn't say they would believe me. When they call up to check I said yes, Abdul's for real.

Tony is for real and we were okay.

Q Because they would believe you?

A I don't know if they would.

Q Wasn't that the purpose of Mel Weinberg being Mel Weinberg because the underworld knew him and trusted him?

A I don't know if they trusted me.

Q You just said you used your name up front if

anyone from organized crime called up and Mel Weinberg said it was okay, they would accept that, is that correct?

A They would call up to find out if we were for real. I would say yes. If they believed me, I don't know.

Q That was the hope?

A The hope.

Q The hope was based on the fact you were known, accepted, and found credible by organized crime, is that what the hope is based on?

MR. BEN-VENISTE: I must object to Mr Brown's questions involving organized crime which has nothing at all to do with this case. Only from that standpoint I object to it.

So that the issues do not get confused. I am sure Mr. Brown doesn't wish to do it, but it is not relevant.

THE COURT: You are a little late in your objection.

MR. BROWN: I would say so. He could have saved Mr. Weinberg earlier --

MR. BEN-VENISTE: It's not my intention to do that. Organized crime has nothing to do with this.

MR. BROWN: Certainly no charges here, he is correct in that degree.

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THE COURT: In so far as the objection is addressed to the last question on the grounds that it is not a part of the case, I will overrule it because the last question seems to be a summation of the previous 15 or 20 questions.

I don't know whether you want an answer to that triple barrel question or not.

MR. BROWN: In order not to be obstructive, I will withdraw it.

Q You referred to the Arab as the goose that laid the golden egg?

A Yes.

Q This play acting you are talking about happened in July of '79, am I correct?

A I don't know what you're looking at there (indicating).

Q The questions and answers that you gave.

May I approach, your Honor?

THE COURT: Yes.

MR. BROWN: It's Page 1859, the cross examination by Mr. Duffy yesterday.

I asked you the question already. So I won't repeat it. but I will ask you to look at that part of the page and tell me if indeed the date of the

play acting would be around July '79?

A That would be correct.

Q I am sorry, may I repeat the question?

I am repeating it because I don't know if everyone heard it.

It would be correct to say this play acting would be around July '79, and I believe you said yes?

A Yes.

Q Now, I believe you said that -- withdrawn.

Did you say that you used middle men in order to bring in the ultimate objective of your plan or design?

A We would meet with a gentleman and he would ssy he can get us this and we say go ahead.

Q You would encourage him to do that?

A Not really.

Q That is what the purpose of the entire enterprise was?

A You don't have to encourage him.

Q I see.

You would not tell the middle man what to say to the people that ultimately came in with you?

A That is correct.

Q You would not for example tell them what to say or how to do it in order to be effective when you were

finally in audience on the tapes?

A To the best of my knowledge, I don't remember telling them what to say.

Q Well, did you ever --do you ever recall having said with respect to the August 5th tape which you have before you -- speaking to Errichetti -- all he's got to tell Yasstr, when the times comes I will sponsor anything you want, do you remember that?

A If it is on the tape I must have said it.

Q Do you recall having said on the tape if there is any way of doing something dishonestly I will know how?

Do you recall that?

A I don't recall,but if it is on there, I must have said it.

Q Let's see if it is correct. I would rather be right than president.

Your Honor, may I go back to the table and get the correct citation?

THE COURT: Yes.

(Pause.)

Q I'm referring to the tape of August 1st. Mr. Puccio, I'm putting these on top, is that all right?

MR. PUCCIO: That is fine.

Q I call your attention to a tape made August 1st

which you are talking to Mr. Angelo Errichetti. And this is August 1st. That is after July, of course.

May I, your Honor?

THE COURT: Yes.

Q This, Mr. Weinberg, is the tape of August 1st. Partial transcript of telephone conversation of August 1st, right? If you remember Page 11, I would appreciate it.

A All right.

(Pause.)

THE COURT: What is the question?

Q The question is, in the context of that partial transcript -- by the way, withdrawn.

That is a partial transcript, is that correct?

A That is correct.

Q That is one that you taped, right?

A I listened to this one, I don't know when --

Q Let's go by what is on the page. The tape indicates you would have taped it?

A Yes.

Q That is only a portion of -- according to what is on the Government Exhibit, only a portion?

A Yes.

Q How much of that conversation then you tell the jury was not taped, if it is only a portion?

A Can I see the Government's transcript?

MR. BROWN: It's August 1st.

THE WITNESS: 1221?

MR. PUCCIO: 1221?

THE COURT: 3500-96?

MR. PUCCIO: 96A.

May I?

MR. BROWN: Of course.

(Pause.)

THE WITNESS: It looks like the part missing is the part of the telephone operator in Mr. Errichetti's office.

Q That is what you would guess at?

A That is correct.

Q You don't know?

A It's definitely not the Mayor.

Q Your transcript says partial conversation, right?

A It doesn't say on here it's partial.

Q On the one that you have your hand on, supplied by the United States Government --

A That is your part.

Q That is not mine. The Government supplied it and it says partial?

A That is correct.

Q On the version that is there for the jury's consideration, if offered, does it not say, in truth, it is a partial transcript?

A No.

Q But the book which I've given you which I received from the Government does say partial transcript?

A Yes.

Q Nobody can tell at this point in time what the partial transcript there means in the sense of what is left out, is that correct?

A Speaking to the operator.

The operator holding on.

Q That is your opinion of what is left out?

A I couldn't have spoken to the Mayor if she told me to hold on.

Q One transcript says partial, and you're saying in your opinion, the part left out is what you just described?

A Yes.

MR. PUCCIO: May I look at the other transcript we are referring to?

MR. BROWN: The one you gave me.

MR. PUCCIO: With your Honor's permission?

THE COURT: Yes.

(Pause.)

THE COURT: All right, you may proceed.

MR. PUCCIO: I object to the question as to the witness' opinion.

THE COURT: Overruled.

Q You have given us your opinion of what is left out, is that correct?

A That is correct.

Q You didn't compare that date with the transcript until almost eight months later, is that correct?

A That would probably be correct.

Q With respect to the transcript itself, and the part that I call to your attention on Page 11, the part that I outlined, and I ask you to respond --

A I know what it is.

Q Doesn't it read: If there is a way to do it dishonestly you will know it?

A Yes.

Q Is that true?

A That is not true.

Q Isn't it your total skill, and way of life for the last few years, you've been doing things dishonestly?

A This transcript doesn't state that.

Q Read it the way it is.

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A That reads in there but that is more on the top.

Q I understand that.

But that is what you said, isn't it?

A Yes.

Q If you say, if there is a way to do it dishonestly, I will know it, that applies to everything, not only words on the page, that's your statement of a philosophy?

A Not necessarily. It means I am talking about the situation that is here.

(Continued on next page.)

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Q Well, isn't it a fact that if there is a way to do anything in the world of finance and the world of business, that you would know how to do it dishonestly?

A That I am not sure of.

Q But that is a pretty good bet, isn't it?

A I wouldn't bet on it.

Q Well, you were one of the most skilled con men in the world, aren't you?

A How skilled could I have been if I got caught?

Q Well, you were skilled enough to get away with it for many years, weren't you?

A That is true.

Q You have admitted to many other crimes you have committed for which you have never been caught; is that right?

A That's true.

Q So that you were skillful to beat the game for at least twenty years, right?

A I don't know if it's twenty years.

Q How many would you say?

A I haven't the slightest idea.

Q You said from '60 and you were only caught in late '70? Seventeen years anyway.

A That's correct.

Q Before that you were breaking windows when you were only a kid?

A Yes.

Q You're fifty-three now?

A Fifty-five.

Q So we are running thirty years back, aren't we? So you have been scamming and stealing and getting away with it for thirty years, haven't you, up to '77?

MR. PUCCIO: I object, Judge.

Q Right?

THE COURT: Quite repetitive, Mr. Brown.

MR. BROWN: If you allow me one question, I will not touch it again so help me.

MR. PUCCIO: I object. I object and ask that the statement be stricken.

MR. BROWN: Just that one question, if your Honor please. It's not important.

THE COURT: The objection is sustained.

MR. BROWN: Thank you, your Honor.

Q Now, when we come up to -- do you deny that in the instance of matters that you propose to my

client, that you directed him to say to the person he was to contact for the benefit of your enterprise that you would give him the proper speeches to say? Do you deny that you gave him the proper speeches to say?

A I do deny that.

Q And do you deny that you told him and told the person whom you were about to put before the cameras, this is the way you do it. You will be on stage for twenty minutes. It is all bullshit?

A That I know about.

Q I ask you, do you deny that you said that?

A I said to that person --

Q Isn't it a fact that you said, what you are saying wouldn't have any meaning. Just say what I tell you because you are only -- we will only be on stage for twenty minutes and it's all bullshit anyway; is that right?

A I said that to that gentleman.

Q Now, isn't it a fact that Mr. Errichetti was present and heard you say that?

A He was also telling him.

Q And he was telling him because you had given him prior instructions; isn't that right?

A That is not true.

Q Do you recall where Mr. Errichetti on June 20th said to you, get back to me and give me the proper speech to give this man. Do you remember that?

A I don't remember that.

* * *

* * *

THE COURT: Ladies and gentlemen, if I understand correctly, what is going to happen at this point, Mr. Brown is going to have played to you excerpts from I believe it is three different conversations. I am not sure whether telephone or face-to-face conversations, but we will find out, I guess.

These are only portions of the particular conversations involved. If I understand correctly, they do not relate to the particular transactions we have been dealing with in this trial. They do involve participation by at least Mr. Weinberg and Mr. Errichetti and I think it is in that context that Mr. Brown thinks they are significant.

At the moment, there are no transcripts

of these conversations available to you but I am sure they will be prepared and supplied to you within a reasonable period of time, perhaps by the end of the day and certainly by tomorrow.

With respect to all the conversations, all of the tapes that have been played to you, of course, and any others that will be played to you, if you need to have any of those replayed to you during your deliberations, of course, that can be arranged.

Sometimes it's easier to follow with your ear if you watch the transcript. Even though there are obvious differences, and I am sure you have noticed those.

This one you are only going to get your ear. We will get the transcript later so you will have it available.

You may find ultimately you want to come back and hear it with the transcript in front of you. If you feel that will be necessary when the time comes you make the request to do it.

The one thing I want to explain to you,

you will get the transcript and later you will have an opportunity to compare the tape with the transcript if you think it is significant.

The only thing is that we are dealing here with an entirely different matter than things that involve the defendant Myers, the defendant Johanson, I don't know whether the defendant Criden is in any --

MR. BEN-VENISTE: Not at all, your Honor.

THE COURT: So, this is conversation with others but including Mr. Weinberg, is Errichetti. As to the significance of these conversations, there of course is always argument among counsel how significant anything is in a lawsuit. They bear on, broadly speaking, questions of credibility of Mr. Weinberg. I urge that that is one aspect of it. They also bear on a claim by the defendant that what may have occurred in connection with this transaction may be viewed by you as some evidence of what may have occurred in connection with the particular

events that the indictment we are concerned with involves.

MR. PUCCIO: May I interrupt? Claimed by the defendants rather than the Government.

THE COURT: Right.

MR. BROWN: We claim --

THE COURT: I will say it again. I don't recall what I said. Essentially this is being admitted for two limited purposes. One is for you to evaluate these tapes for whatever else you find they may give you in weighing the credibility of Mr. Weinberg in connection with the testimony that he has given you here.

The other issue in which you may consider is, there is a claim as I understand it by the defendant that what happens on this occasion, that is the subject of the tapes, and perhaps on other occasions, may be viewed by you as evidence and certainly would urge you to do it and they may argue as to it, you will have to weigh the argument and evidence altogether. It may be viewed by you if you find it warrants some evidence

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that this is what happened in terms of the dealings of Mr. Weinberg, Mr. Amoroso, with any or all of the defendants here.

I think it is clear one of the issues you are going to have to decide, perhaps the central issue in the case, is what really happened on the occasions of the tapes that you have seen and heard, and the other events that have been testified to and will be testified to by other witnesses.

You are going to have to evaluate what is really going on, and this evidence is being offered by the defendants to help you interpret it.

You should weigh this along with all the other evidence in the case.

MR. BROWN: May I ask one question before we put on the tape?

THE COURT: Yes.

CROSS EXAMINATION

BY MR. BROWN:

(continuing)

Q You stated that you never gave instructions as to what the middleman or the mark was to say, is

that right? You never told him what to say?

A The only thing --

Q You said that, that you didn't tell them what to say?

A Exactly what to say?

Q You never told them what --

A To the best of my knowledge, I never told them.

MR. BROWN: These tapes are played to contradict that.

THE COURT: What tapes are they, first?

MR. BROWN: June 16, 3500-65, your Honor.

THE COURT: Is there some way to identify for the record what is being played? Does it have an index number?

MR. BEN-VENISTE: We would like to offer the transcript itself at some point. So we can give it a defense number.

THE COURT: ButI don't want any dispute what it is the jury actually heard.

MR. BROWN: I will put a defense sticker on it.

THE COURT: All right.

MR. PUCCIO: It is all right.

MR. BROWN: 1145, 3500-65. Not the whole tape. The excerpt starts on page 2 and consists of ten or twelve lines over to page 3.

THE COURT: This is a transcript you have --

MR. BROWN: Telephone conversation, June 16, 1979. Mr. Weinberg and Mr. Errichetti, and the draft from which we are connotating the tape is given to us by the Government.

THE COURT: Proceed.

(Tape played.)

THE COURT: Is that the end of the first tape?

MR. BROWN: Yes, your Honor.

MR. PUCCIO: It's two lines on the bottom of the page? Page 2?

MR. BROWN: That is all that was played. I am told it didn't come too clearly.

A JUROR: I didn't hear anything.

THE COURT: If they understood it their ears are a lot better than mine.

MR. DUFFY: It did not come over badly

without the earphones.

THE COURT: Better without?

MR. DUFFY: I know I heard it.

THE COURT: You read it before, you have an advantage.

MR. BROWN: Can we just run it one time more?

THE COURT: Play it again -- Sam.

MR. BEN-VENISTE: If I said that I would be in trouble.

THE COURT: I think we are even by now.

(Tape played.)

MR. BROWN: The excerpt, Judge.

(Tape played.)

MR. BROWN: The next one will be 220, your Honor. 3500-68, 1152 is the index number.

(Tape played.)

MR. BROWN: This will be June 28, index -- 3500-70.

THE COURT: Where does it begin and who is involved?

MR. BROWN: It starts your Honor, on page -- page 3 of the draft. Starts where Mr. Weinberg says, "Okay, strictly loans," and

goes to the bottom of the next page.

THE COURT: Is this also between Mr. Weinberg and Mr. Errichetti?

MR. BROWN: And the other person who we discussed sidebar.

THE COURT: All right.

(Tape played.)

MR. BROWN: That is the other.

Q I assume, Mr. Weinberg, you heard it?

A Yes, I heard it.

Q Now, Mr. Weinberg, certainly in that last sequence that was played, you were instructing and telling people what to say, is that correct?

A That is correct.

Q You were setting the stage for presentation before the Sheik, is that correct?

A Yes.

Q And Tony?

A Yes.

Q That was the Sheik, of course, played no part, he was just a figurehead?

A That is correct.

Q Never opened his mouth?

A I wasn't in the room, I don't know.

Q He never, under the circumstances, according to the plan, was supposed to say anything?

A I don't know what was said in the room.

Q Let me ask you this, the total ABSCAM concept, the Sheik was never supposed to say anything, just sit there?

A I don't know. I wasn't in the room.

Q You were downstairs, you gave the instructions before the person went in the room, right?

A I was with the people down in the room.

Q What the jury heard is what you told the people and Mr. Errichetti before the person went into the room where the Sheik was?

A That is correct.

Q He was told what to say and how to do it, you will go on stage twenty minutes, it's all bullshit?

A Yes.

Q That was presentation before a person who really was not a Sheik?

A That is correct.

Q An F.B.I. agent?

A Yes.

Q It was play acting to be put on before whoever was in the room, Tony Amoroso and the person

who was the Sheik?

A Yes.

Q According to the script as the jury heard it?

A I don't know about the script here.

Q According to the words and performance you read out before the persons went in the room as heard on the tape?

A That is correct.

Q And the two previous tapes that set up the climax, it was preparation with Mayor Errichetti, you telling him what to do with respect to those persons?

A I told him to set the meeting up.

Q He followed your instruction?

A Yes.

Q The tapes of the 16th and 20th culminated or came to a climax with the tape of the 28th when you --

A I told him what to say in the tape.

Q Now, this is what, the 28th of June, the date is correct?

A I think it is.

Q When was the first time you spoke to Mr. Errichetti in terms of Congressman Myers and the

prospect of a meeting with Congressman Myers?

A I have to look at the tapes.

Q Is it true that in June you were talking to him about Congressman Myers?

A I have to look at the tapes.

Q I will try to refresh your recollection if I may with conversation.

As of July certainly you were talking to Mr. Errichetti in terms of Congressman Myers because the first meeting with Congressman Myers that you attended was in August, is that correct?

A That is correct.

Q That date would have been August 22nd; is that correct?

A If you say so.

Q No, please.

I have no authority to say so.

If you don't know we will check.

A All you have to do is give me the list in front of you.

Q Let me do it my best way. I will try.

(Pause.)

THE COURT: To save time, we have in evidence 5-A, the transcript of the videotape

which the jury has seen between Mr. Weinberg Mr. Myers, Mr. Errichetti and Mr. Amoroso and that is dated August 22nd, 1979.

Does that refresh your recollection as to the date when you met with Congressman Myers?

THE WITNESS: I know it was some time in August, your Honor.

Q It does not refresh your recollection, is that what you are saying?

A No.

Q Let me try another way.

There is in evidence 21-B which is a tape of July, 1979. Let me call your attention to -- may I approach the witness?

THE COURT: Yes.

Q 21-B. I ask if this refreshes your recollection. First, the top to verify the date. Go to the second page.

I'm calling your attention strictly to the date. Does that refresh your recollection as to the time you first began to speak to Mr. Errichetti in terms of Mr. Myers?

A I think the conversation goes back a little

before that too.

Q Yes, but that date was a point of reference to refresh your recollection.

A Yes.

(continued on next page.)

Q Your recollection having been refreshed, I will put the question to you.

Can you tell us now approximately what time in terms of months you began to discuss with Mr. Errichetti, Congressman Myers?

A I think it was sometime in July when he first mentioned Congressman Myers to me.

Q Of course the tapes we just played were June, Myers name came up sometime in July, is that fair?

A I think so.

Q Going on that approximation and having shown you at least one tape, let me show you another which is 19A, July 29th, I showed you the 31st before, perhaps this will refresh your recollection to some degree.

1980, July 29th, that certainly refreshes your recollection to some degree?

A That is correct.

Q Using that as a point of reference, how long before that had you discussed Mr.Myers with Mr. Errichetti or anyone else for that matter?

A I can't say until it was the name was brought up, exactly what date, I don't know.

Q With respect to Congressman Myers, it is fair to say sometime in July?

A I would say so.

Q Now, do you recall a conversation in which you directed Mr. Errichetti with respect to what he should say to Congressman Myers?

A I don't remember exactly when I would have told him he had to come on to say exactly what he was going to do to take the money.

Q Let me call your attention to -- you wouldn't recall the conversations around August 15th with the Congressman or with Mr. Errichetti concerning the Congressman?

A Not offhand.

Q Do you recall a phrase: "Wet and dry closing?"

A I recall him saying they wanted a wet and dry closing.

Q You are certain it's not you that said wet and dry closing, it was Errichetti, right?

A Yes.

Q You are familiar with property transactions, I assume?

A A little bit.

Q What is a wet closing as opposed to a dry closing?

A I know what the conversation wet and dry meant at that time.

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Q I am asking you first what wet and dry means to you in terms of a closing or a consummation of a business deal?

A Getting together and having the closing.

Q Getting together and kind of rehearsing for the closing?

A Yes.

Q First the dry closing which is a rehearsal and then a wet closing?

A Yes.

Q In this context, isn't it true the words addressed to you refer to a rehearsal prior to the final event?

A No.

Q What did wet and dry refer to in that context?

A He wanted to check us all to see if we were real and nothing going on in the hotel room.

Q Who wanted?

A The Congressman wanted.

Q Errichetti told you that the Congressman wanted to check it out?

A He didn't say that in the telephone conversation.

Q Let's play it in context and see what the telephone conversation is.

This, your Honor, is referring to Page 1250 of

August 15,1979, it is 3500-111. The telephone conversation between Angelo Errichetti and Mel Weinberg.

The part that will be played, your Honor is Page 3, fourth line from the bottom. And go down to Page 4 to put the phrase in context.

There is no question in your mind that the words were said in terms of meeting with Myers in that frame --

A Said by Mr. Errichetti.

Q The frame of reference to a meeting.

A He wanted to set up a wet and dry closing.

Q We're about to play a tape to attempt to put the words in context so that the jury can judge.

The tape is the one I outlined for your Honor.

THE COURT: Ready to play it?

MR. BROWN: Yes, we are ready.

THE COURT: Proceed.

(Tape played.)

Q. You heard that?

A Yes.

Q It is a fact what Mr. Errichetti says is: "I will come up and your good friend can give me the whole script so I will know what to say?"

A He said script.

Q Your good friend is Mr. Amoroso?

A I presume so.

Q There was no other friend involved, is that correct?

A That is correct.

Q If the tape said -- if the tape says that Mr. Errichetti said to you in fact may we have a wet and dry closing, and you said I will see if I can arrange it --

A That is correct.

Q Then he said, I will come up and you can have our good friend give me the script, in effect, tell me what to say?

A He wasn't going to --

Q The conversation -- others will judge that.-- the conversation you had, in this conversation, wet and dry closing refers to someone going over the room?

A Can you repeat that?

Q It is my recollection that you had said just before the tape was played that when Mr. Errichetti said wet and dry closing that referred to someone's desire to go over the room, is that correct?

A Yes.

Q The tape was played and wet and dry closing

came right before him saying I will come and we can go over the script, is that correct?

A That is correct.

Q It is also true, that -- may I approach, your Honor?

THE COURT: Yes.

Q I am using 3500-111, the same tape that was played.

If you examine that, if you will, Mr. Weinberg, starting here and going to the third page and down to the fourth.

It is also true that in the part we just played, Mr. Errichetti said in part: I can go up a little early and your good friend can give me the script, and: I prefer to go one day, Wednesday or Friday, whatever you want and I come up so that we can meet privately... We are supposed to do and so I understand what has to be done?

A That is correct.

Q Those words certainly don't refer to going over the room, do they?

They talk about what is to be done?

A That is correct.

Q Is your memory so refreshed that you might agree that the tape doesn't refer to going over the room but

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has reference to going over the script and what they have to do with you and Mr. Amoroso?

A The wet and dry was to come over and check us out.

Q Th rest follows?

A He wanted to come up and see the fellow.

Q Go over the script?

A Yes.

Q The past three --

A Never told him what -- told him what we wanted to hear.

Q Run that by me again?

A We told him what we wanted to hear.

We will not give him the money until he told us.

Q But you told him what you wanted to hear?

A We wanted to hear what was going to happen for the money.

Q The tape demonstrates you were preparing him in advance so when he came before the Sheik he would say the right thing?

A We never spoke to the Congressman.

Q What was the script, so that he can tell you what he had to do?

A I don't know what he had in mind. We told Mr. Errichetti exactly what we wanted from the Congressman.

Q Doesn't the telephone conversation say that Mr. Errichetti expects you to tell him what you want him to do and what you want him to say?

A This is what Mr. Errichetti says.

Q You don't disagree with it?

A No.

Q That is actually what happened -- I am sorry I came up, your Honor.

THE COURT: It's all right.

A That didn't happen.

Came up and told him before we turned the money over we want to know what he could do for the money.

Q You had conversation with Mr. Errichetti in terms of Mr. Myers well before the meeting?

A Yes.

Q All if it was directed towards having him say certain things in front of Mr. Amoroso or the Sheik that would justify turning over the money?

A He had to tell us exactly what he was going to do before he gets the money.

Q He had to say certain things?

A I don't know.

Q Let's see.

Doesn't Mr. Errichetti say to you: Whatever you want to do he has no problem, coming up like 9:00 o'clock in the morning, and then sitting down with you and you know, going over the whole thing, and then like 1:00 o'clock -- isn't that what it is?

A It's never done though.

(Continued on next page.)

Q And don't you say right after that, "Right"?

A I say, "Right."

Q That means agree, doesn't it?

A I'm saying, "right" to him when he said that.

Q That means agreement to what has gone before, doesn't it, when one reads it that way?

A Will you come back with that question?

Q Surely.

There were words that had gone right before "right"?

A That's correct.

Q Would you read them in context, the paragraph before and "right," so that you can tell me whether or not that is in effect saying, yes,okay.

A He's saying he has no problem coming up at 9:00 o'clock in the morning.

Q Yes.

A And I'm saying, "right."

Q What else does he say there?

A Sitting down with you and I -- and you going over the whole thing and like 1:00 o'clock, go through with it, you know.

Q Then you say, "right." Now, you are not saying, "right," to get just a little bitty part of that, are

you?

A I'm saying, "right," to what he was saying.

Q And he says, well, come up. We will have that dry closing. Do what you want us to do. And then at 1:00 o'clock we will go through the real thing. Isn't that right?

A He's going to have a wet and dry closing now. Originally he wanted to do it in one day.

Q Isn't it a fact that the analogy between the business deal and this, the truth that you have a dry closing or run through, right? You have a run through of everything first?

A Correct.

Q Okay. There he says I will come up and we will sit down and go over it with you,right?

A That's correct.

Q That would be the dry closing, wouldn't it?

A That's correct.

Q And then in the afternoon we go through the real thing, which by analogy to the business deal is, when we really put it through?

A But that didn't happen.

Q I didn't ask you that. I am only referring to that.

A That's what he's saying.

Q That's what you say "right" to, isn't it?

A Correct.

Q Now, it is a fact, is it not, that you did meet with Mr. Errichetti on August 22nd before Mr. Myers went into the room; is that correct?

A That's correct

Q And it is a fact that you had a ten minute meeting with Mr. Errichetti approximately?

A That's correct.

Q And is it a fact that on that occasion no tape was made?

A That's correct.

Q Now, it is a fact that you have worn body packs while working on ABSCAM, have you not?

A I have worn a body pack twice.

Q On ABSCAM?

A Correct.

Q And it is a fact that it is a practical device, is it not?

A No, it isn't.

Q Well, did you make any attempt to tape that conversation just before Myers goes into the room on the 22nd?

A I don't follow your question.

Q I will withdraw it, and I beg your pardon.

You have before you a transcript which says that Errichetti wanted a preliminary conversation with you so they will know what to say; is that correct?

A Correct.

Q In between that day, which is August 15th and August 22nd, do you see Mr. Errichetti again or do you talk to him again?

A Between the 15th and the 22nd?

Q Yes, sir. That's the question.

A I really don't know.

Q All right.

So then, as far as we know, at this point between the 15th and the 22nd, you didn't discuss it any more, the Myers thing any more with Errichetti?

A As far as I know.

Q As far as you know.

So now you meet him before they go into the room to sit down with you and Mr. Amoroso, right?

A That's correct.

Q And that ten minutes isn't taped? We don't have any record?

A That's correct.

Q It is also true that on the bottom, going way back to July 26th, the key conversation where Mr. Amoroso

introduces his -- this idea of immigration help up on the top of the Lefthand is not taped either?

A That is correct.

Q So in this case two critical tapes, the starting of all of it so-called on the 22nd and that conversation just before Myers goes in, not taped, right?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. BROWN: I will withdraw, "critical"?

Q It is true, is it not --

MR. PUCCIO: My objection is, it's been asked and answered.

THE COURT: Sustained.

MR. BROWN: May I not put it with respect -- I have not put it in that context before.

THE COURT: I heard 15 ways of saying the same thing.

MR. BROWN: Yes, thank you.

Q You were present on the Lefthand on July 26th, right?

A That's correct.

Q And you had testified in Philadelphia incorrectly that the idea of getting a Congressman or something to work on the Sheik's immigration came from Mr. Criden?

A That's correct.

Q You found out that that's not correct?

A That's correct.

Q You found out it was -- in truth it was Mr. Amoroso's own idea and he conceived it the day before the boat ride?

A I don't know when he conceived it.

Q Don't you know that Mr. Amoroso read an article in the Miami Herald on July 25th about Somoza and that that inspired him on the 26th to speak to Errichetti and Criden about Somoza and about the Sheik? You know that now?

A I understand that.

Q Yes.

So it was inspired on that day, correct?

A Correct.

Q Now, you also know that that conversation is not taped?

A That's correct.

Q Now, it is from that tape leading up to the August 22nd date that ABSCAM proceeds to encourage the idea of having some important person do something about the Sheik's immigration problem; isn't that right?

MR. PUCCIO: I object to the form.

THE COURT: Overruled.

THE WITNESS: Could you repeat that?

Q Surely. I shall.

It is from that date, July 22nd, the boat, upstairs, Lefthand, that ABSCAM encourages the idea that some important person should be influenced to work on the Sheik's immigration problem, right?

A That's when the idea was formed.

Q The first action that culminated would really be August 24th when actually the con man comes in the room,

A Right.

Q So in that sense there is a connection from July to August, right?

A Correct.

Q And the conversation that starts on the Lefthand was not taped?

A Right.

MR. PUCCIO: I object.

Q The conversation --

THE COURT: It's been asked and answered for about the fourth time.

MR. BROWN: Yes.

THE COURT: Next question.

MR. BROWN: I am not -- I don't think I am going to take advantage, but this is my last question

and I will be subject to your Honor's sanctions.

Q And the next question -- the next part that was critical just before they went in the room is not taped.

MR. PUCCIO: I object. That's been asked and answered.

THE COURT: I will permit it. Overruled.

Q And the next and the last most critical conversation before he actually -- the con man went in the room was not taped, right?

A Yes.

Q Now, is it also true that with respect to continuing conversations -- now, in terms of July 29th, you have testified concerning a transcript which was prepared by the Government? Do you recall that?

A I do.

Q That would be 19A. May I ask you if you have a copy there?

A I don't.

MR. BROWN: May I ask if a copy -- the Government' copy would be provided.

Q Now, we will ask His Honor to play a tape of that meeting, but prior to that I want to show you a draft of that particular conversation?

THE COURT: The entire conversation?

MR. BROWN: Just some words, your Honor. But I have to show him the whole draft to show the distinction.

Q 19A does contain certain conversations. Would you turn the page, please.

Now, on the second page as we read together, sir, --

MR. PUCCIO: Your Honor, I object unless it's being shown with the idea in mind of refreshing the witness' recollection and having him testify.

MR. BROWN: Not only to refresh his recollection, but to have the tape played as to the part extracted, your Honor.

THE COURT: I am still not clear on what you are doing. You are showing him something which is not identified for the record in conjunction with 19A.

MR. BROWN: Your Honor, I am sorry. What I thought I said was I am showing you a draft which is the complete copy supplied to the defense by the Government of 19A.

THE COURT: Of the July 29, 1979 conversation?

MR. BROWN: Yes, sir. I am sorry. I thought I said that.

THE COURT: I was unclear as to that.

Q Now, I am showing you -- you have before you 19A, which the jurors have seen, the conversation of July 29th; is that right?

A That's correct.

Q And it is understood that that July 29th draft, the polished copy, 19A, was not complete? Certain words were left out. And the Government made it clear that certain parts were left out. You are aware of that; is that correct?

A Correct.

(Continued on next page.)

Q Now, I am calling your attention to Page 2 of that document and ask you if you can observe certain words which I am asking you to consider as having been cut out, not by any improper action, but eliminated by the Government after having made clear to the defense -- all right.

Okay. Now, if you go over to the other side -- is that the same? All right.

MR. BROWN: Now, if your Honor please, the draft that we have received had left out certain key words which I call to your attention and I know it's inadvertent --

MR. PUCCIO: I object to this characterization. We have no objection to playing the whole tape if that is what is called for.

THE COURT: The jury will disregard the characterization as to what is critical or key or anything else. There apparently was something omitted somewhere.

Q Will you go over to Page 5?

A I don't have Page 5.

Q You don't have Page 5. Let me show you Page 5. That's not in the transcript that you have?

A I don't have any of that.

MR. BROWN: I will show you what it is, your

Honor, it was left out. This is what we wanted to play. Page 5.

Your Honor, the reason I said -- the reason why I said what I said was to make sure that there was no charge against the Government of any --

THE COURT: Now, what you propose to do is play another segment of the tape, part of which the jury has already heard as Exhibit 19 and seen as 19A?

MR. BROWN: Yes.

Q And the transcript that was prepared for the jury stopped at where? Will you give us the Page number?

A Stops on 3.

Q And we are going to Page 5.

MR. BROWN: Could we have the jury book handed out so the jury will follow it, your Honor.

THE COURT: Certainly.

MR. BROWN: Judge, we need that Page 5 to be guided with the -- may I?

Thank you.

If your Honor please, may I call to the attention of the Court and the jury where the redacted copy -- where they have stopped is at "all right," we start right after that.

THE COURT: That is on Page 3 or where the three

astericks appear in the middle of the page?

MR. BROWN: Yes.

THE COURT: After you finish playing the tape -- or if you have any particular question about it, I will hear -- we will have to recess a little earlier for lunch today.

MR. BROWN: Are we recessing?

Oh, we are going to play the tape.

THE COURT: All right, are you ready to proceed?

MR. BROWN: Yes, your Honor.

THE COURT: All right, play it.

(Tape recording played.)

(Tape recording stopped.)

Q Now, that referred -- that naturalization person which was left out in the original redaction was Mr. Noto, right?

A I don't think so.

Q Was it another naturalization person?

A I never had the name.

It was a friend of his.

Q Now, Mr. Noto was involved with a friend of his, wasn't he?

A I knew he had an inspector or something there and --

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Q Well, isn't it true that in fact the Noto situation involved a chief investigator in addition to Mr. Noto?

A I thin you're right there.

MR. BROWN: May I resume later?

Otherwise the continunity -- did you say we could break? I want to resume the continunity of the tape going into the naturalization --

THE COURT: All right.

We will recess at this time, ladies and gentlemen. We will resume at a quarter of two rather than 2:00 o'clock. Don't discuss the case during the recess.

(Whereupon, the jury retired from the Courtroom.)

(Luncheon recess taken.)

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THE COURT: Still on cross-examination of Mr. Weinberg by Mr. Brown.

MR. BROWN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Weinberg, at the close of the morning session, certain tapes had been played and I was about to ask you questions -- indeed I had asked you one question concerning Mr. Noto.

A Yes.

Q Who was Mr. Noto, as you understood?

A Second in charge of Naturalization.

Q Not the chief then, is that correct?

A As far as I know, no.

Q Now, who was the person in charge -- he was

second in charge?

A Yes.

Q Who would have been the first in charge of the Bureau of Naturalization?

A I have no idea.

Q There was a chief investigator involved?

A I believe the chief investigator was brought up.

Q Was he the too man, the second man?

A I don't know.

Q Well, do you recall having testified that you had a conversation with Mayor Errichetti about this matter and I call your attention, and Mr. Puccio's attention, to page 1661 of August 18th's testimony, in which you said that Mr. Errichetti had said he had a friend who is a chief investigator at the Department, and he could get a green card?

A That is correct.

Q ThenI believe you further testified that 50 thousand was to be given to the chief investigator who was going to send his boss in, the second in charge, and they were going to split 25 thousand or whatever, do you recall that?

A Yes.

Q Now then, if 50,000 was to be given to the chief investigator, in that context, was Mr. Noto the chief investigator?

A I don't think so.

Q But it is true you said you understood the money was to be given to the chief investigator, whoever he was?

A If I believe I am correct, I was told Mr. Noto was going to give his friend half.

Q Let me read verbatim what you said at page 1661. I will start at 1660:

"Q As best you can recall, what was said by you and what was said by Mr. Errichetti concerning this gentleman?"

Do you remember that question being asked by Mr. Puccio? Yes, put by Mr. Puccio.

A Not offhand.

Q Mr. Puccio was asking you on direct examination on the 18th:

"Q Mr. Weinberg, did you ever have a conversation with Mayor Errichetti concerning someone called the chief investigator?

"A Yes, I did."

Do you recall that?

A Yes.

Q "Q As best you can recall, what was said by you and what was said by Mr. Errichetti concerning this gentleman?

"A He said he had a friend who was a chief investigator in the department there and that he could get us a green card for the Arabs."

Do you remember that?

A That is correct.

Q "Q Was this person supposedly in the Immigration Service?" And your answer was, "Yes, that's correct.

"Q Was there any mention of any money in connection with this matter?" There was an objection, sustained, and then the question put later:

"Q As best you can recall, tell us what the conversation was.

"A The conversation was that $50,000 was to be given to this chief investigator who was going to send his boss in, the second in charge, and they were going to split 25 each, or whatever it was."

Is that correct?

A That is correct.

Q "Q What was the boss of the chief investigator

called, do you remember?

"A Mr. Noto.

"Q Who did you first hear that name from?

"A Mr. Errichetti."

A That is correct.

Q Now then, Mr. Noto was the boss of the chief investigator as you understood?

A Yes.

Q But you had said that the $50,000 was to be given to the chief investigator?

A That was originally the idea, to give the chief investigator, then he brought Noto in.

Q May I go over it again? Just before naming Noto as the boss, you say the conversation was, that $50,000 was to be given to the chief investigator who was going to send his boss in, the second in charge. They were going to split 25.

What was the boss of the chief investigator called, do you recall, Mr. Noto.

The boss would be Noto. The chief investigator would get the money; right?

A (No response.)

Q I am only going by what you said.

A I understand. Originally, the chief investigator

was supposed to come in, not Noto.

Q That was Tetrazzini?

A I don't remember his name. And after that he said he got this fellow, a friend named Noto, the chief investigator.

Q In here you say Noto was the boss of the chief investigator?

A That is what I was told.

Q Did that ever change, Mr. Noto was no longer the boss of the chief investigator?

A I don't think so.

Q Tell me, in retrospect, do you have any understanding what really happened on that day?

A All I know, the fellow that came in wasn't what he was supposed to be.

Q In the concept of a scam within a scam, con within a con, did you see this as an attempt by Mr. Errichetti and others to con you and your coworkers of the FBI?

A Later on I did.

Q So that there was -- indeed there was a scam within a scam, a play within a play?

A Agreed.

Q Because the big play would be bringing in Mr. Noto and giving him the money and -- to do what you

want, cooperate; right?

A Yes.

Q That was a scam?

A Yes.

Q Within that scam someone brings in Noto to rip you off, is that correct?

A Yes.

Q That was a con within a con?

A That is correct.

Q Well, as one of the greatest, you didn't detect the con?

A When we seen the picture we knew something was wrong.

Q Could you explain it to us?

A They are looking to rip us off of the 50,000.

Q That was in September, right?

A I believe that is the date.

Q It would have been impossible to rip you off because under no circumstances could a crime be committed because you were law officers?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q You were the FBI?

A I wasn't the FBI.

Q I beg your pardon, but you were working with the FBI?

A That is correct.

Q Now, you saw the film and there was mention of giving Mr. Noto the bogus agent $25,000, you heard that?

A No, I didn't hear that.

Q Did you see $50,000 counted out well in advance by Mr. Amoroso?

A I seen that.

Q You don't recall whether on the tape they said $25,000 for the investigator: is that correct?

A I don't recall that.

Q Now, as you sat there, you talked to Mr. Noto while Mr. Amoroso left the room, is that correct?

A Yes.

Q Did you at that time or at any time ever say anything to Mr. Noto about his trying to rip you off?

A I asked him for his driver's license to find out who he was.

Q We saw that. Did you at any time other than what we saw, perhaps the jury can recollect the play, did you after that say anything to Mr. Noto?

MR. PUCCIO: I object to play.

MR. BROWN: I will withdraw "play."

Q Con within a con, whatever it was --

MR. PUCCIO: I object to that statement before the question.

THE COURT: Just rephrase the question.

MR. BROWN: Yes, sir.

Q Did you on that day, other than anything which we saw or heard in this courtroom, say anything to Mr. Notc?

A Noto -- I spoke to him outside with Mr. Errichetti.

Q What did you say to him -- that wasn't on tape?

A I think it was. On the recording.

Q Body pack?

A I don't know what they --

Q There was a recording of your conversation?

A I was out of view of the camera there, and he was telling us where he was from.

Q You met Mr. Errichetti off camera?

A I believe so.

Q That was recorded on camera, that is what you're saying?

A I don't think the camera was on us, just the voices.

Q There was a pickup audio but nothing visual?

A That is correct.

Q What did you say to him -- what did you do or say at that point?

A He was telling us where he was from. I think Illinois.

Q Still, he was in Immigration --

A That is correct.

Q Did you say to him anything about what he was doing, what are you trying to pull here, or anything like that?

A I don't remember.

Q Did you say anything to Mr. Errichetti at that point, what are you trying to put over on us?

A No.

Q As a matter of fact, you later had a long conversation with Mr. Errichetti about this matter, did you not?

A On the way to the airport I spoke to him about it.

Q Was that recorded?

A No, it was not.

Q Previous to this event, Mr. Noto appearing, you did have a number of conversations with Mr. Errichetti about the gentleman who was supposed to appear as the

Immigration person, is that correct?

A I believe so.

MR. BROWN: If your Honor pleases, we would like your permission to play certain tapes after I have asked Mr. Weinberg about this one prior conversation.

May I approach him, sir?

THE COURT: Yes.

R.2 T.2 Q I am referring to a draft of August 28, 1979, Mr. Weinberg's and Mr. Errichetti's phone conversation.

First, I will show you the beginning of it, Mr. Weinberg, and I will call your attention to it.

(Pause.)

MR. BROWN: I am referring to page 5, lines 5 and 6, and I am asking Mr. Weinberg to examine them in context.

(Pause.)

Q The Noto meeting occurred in September, around September 19th; would that refresh your recollection?

A Yes.

Q We are addressing a conversation of the 28th of August -- that would be roughly some days in advance of September 19th; is that correct?

A That is correct.

Q I ask you, in context, isn't it a fact that as early as the 28th of August you were talking about this Immigration person you were going to bring in?

A I presume that is what it is about.

Q You said -- I will get you a name?

A Yes.

Q In context, that is what we are talking about; right?

A I don't see it there.

Q Was there anyone else he was getting you by Friday?

A I don't remember.

Q He was saying to you you know who the person will be?

A He's telling me he will know who the person will be by Friday.

MR. BROWN: We would like to play the tape.

MR. PUCCIO: No objection.

THE COURT: This is 3500-118?

MR. BROWN: Yes.

THE COURT: All right. Play it.

MR. BROWN: We want 3500-19 to be played.

THE COURT: According to my chart, 3500-19

relates to September 2nd.

MR. BROWN: That's right.

MR. PUCCIO: I am confused as to where the transcript was of the 28th.

THE COURT: Of August.

MR. PUCCIO: Yes.

MR. PUCCIO: That is what I thought. I guess we are confused on numbers.

MR. BROWN: No, I want to play September 3rd, '79, your Honor. 3500-119. Index 1275.

THE COURT: The one you discussed with the witness related to 3500-118. Now you want to play 3500-119?

MR. BROWN: 119.

THE COURT: Relating to four days later?

MR. BROWN: Yes.

THE COURT: Proceed.

(Tape played.)

Q This conversation of September 3rd is clear --

THE COURT: September 2nd.

MR. BROWN: You are right. The transcript says the 3rd.

MR. PUCCIO: It was the second. It was an error.

MR. BROWN: The transcript has an error.

Q September 2nd. You talked to Mayor Errichetti by phone. He told you he was down in Washington. I'm seeing my chief investigator but I am getting some big guy.

A Yes.

Q Who would have been Noto?

A Yes.

Q He discussed that with you -- did you have any other conversation that he was searching for this Naturalization figure who eventually became Noto?

A I don't remember.

Q Noto didn't walk in cold on the 19th?

A No.

MR. BROWN: May I play the next tape, 3500-120 this time. September 5th, three days later. Telephone conversation, Weinberg and Errichetti.

THE COURT: What portion is to be played?

MR. BROWN: The -- partially the first page, the second page down to "all applications. Fill it out -- inaudible."

THE COURT: All right, play it.

(Tape played.)

THE COURT: So the jury doesn't think they are losing their hearing, that was virtually

incomprehensible to me. Very poor quality recording.

Q Were you able to make much out of that?

A Very little.

Q Except you were in contact with him about the matter?

A That is correct.

Q He was talking about the application?

A Yes.

Q This later relates to the talk about an application in the picture, you just said you asked him about his card and if he has application?

A No.

Q You don't remember that?

A No.

Q In any event, all throughout Mr. Errichetti is talking to you and you're talking to him?

A Yes.

Q Throughout this period you are on good terms?

A That is correct.

Q Friends?

A That is correct.

Q How many phone calls do you reckon you yourself initiated to Mr. Errichetti in the course of the -- withdrawn.

What period of time would you say your relationship extended?

A Eight or nine months.

Q Ending approximately when, would you say?

A Right after Noto.

Q Right after Noto you sort of cut off from Errichetti, is that correct?

A That is correct.

Q For eight months prior you talked to him?

A Yes.

Q How many phone calls do you reckon you made to Mr. Errichetti?

A I have no idea.

Q Many?

A Many.

Q Would this be consistent with the theme of a confidence man, which was to stay right on the sucker?

A Keep in touch.

Q At all times?

A At all times.

Q Why was this a cardinal principle of a con man's --

MR. PUCCIO: I object.

MR. BROWN: I will withdraw it.

Q You have stated that this is a cardinal principal of being a successful con man, staying on the mark?

A Keep in touch.

Q Constantly?

A That is correct.

Q Why would you want to keep in touch constantly?

A (No response.)

Q So he doesn't get away?

A That is correct.

Q To that degree, in the sense of that, he was a mark to that degree?

MR. PUCCIO: I object to the form of the question.

THE COURT: Sustained.

Q To the degree that you were working your confidence game, he was an object of it?

MR. PUCCIO: Same objection.

THE COURT: Sustained. It has been answered.

MR. BROWN: I beg your pardon?

THE COURT: Yesterday. You are reptitious.

MR. BROWN: I have avoided it rather scrupulously. May I ask this one question?

THE COURT: Go ahead. It's quicker.

Q So this, in terms of your confidence game, made Mr. Errichetti the object or the mark; is that correct?

MR. PUCCIO: I object to that. The form of the question.

MR. BROWN: That is the same question your Honor allowed me.

THE COURT: I will allow it.

Q Mr. Errichetti was a subject of your confidence technique throughout this, is that correct?

A That is correct.

MR. BROWN: May we ask to allow the jury to listen to the next tape with the same sequence and would your Honor allow us to play for the benefit of the jury a portion of the draft 3500-112 -- 128, I'm sorry, your Honor, 3500-128, which is tape 1744, and page 20 starting at the bottom and going two-thirds through the next page?

THE COURT: You've got me confused.

MR. BROWN: September 12th.

THE COURT: September 12th, 3500-128, tape 1647.

MR. BROWN: I am taking my information from -- 1744, your Honor, he still agrees on the draft.

THE COURT: It could be an error in the

listing of the tapes.

MR. BROWN: Transcript of the meeting of September 12, '78, Mr. Weinberg and Mr. Errichetti.

THE COURT: At the Hyatt House in Cherry Hill?

MR. BROWN: It doesn't say, but it is there.

THE COURT: There is no disagreement, then we will assume the listing of the exhibits has the tape number wrong. The participants agree. You may play it.

(Tape played.)

THE COURT: Nothing in the ear phones.

MR. BROWN: Is that the best you can do?

(Pause.)

(Tape played.)

Q Could you hear some of that, Mr. Weinberg?

A I did.

MR. PUCCIO: May I have the page reference on that?

MR. BROWN: Yes, page 20, 21.

MR. PUCCIO: Thank you.

MR. BROWN: I am informed the tape is in the possession of the Government and is coming in momentarily

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Q Mr. Weinberg, we are now approaching September 14th and the tapes with respect to the immigration matter with Mayor Errichetti starting July 29th, as you indicated when you looked at it.

Now, proceeding up to the 14th, on the way to the 19th, if you listen, I will ask some questions later.

Thank you.

THE COURT: Which exhibit?

MR. BROWN: The exhibit, if your Honor please, is 3500-132, September 14th, 1979, tape 1290, your Honor.

THE COURT: What page of the transcript?

MR. BROWN: It will be the first page through half of the second page.

THE COURT: All right, play it.

(Tape played.)

(Tape recording stopped.)

Q Now, thus, on the 14th, after this interchange that has been going on since the 29th, you finally get the name allegedly, right?

A That's correct.

Q And it's Mario Nopo, N-o-p-o at this point; is that correct?

A That's correct.

Q Now, throughout this entire period you have only dealt with him in terms of a phone call that we have about Nopo or Noto; is that right?

A That's correct.

MR. BROWN: Now, if your Honor please, I ask permission to play the tape the day before, which is September 18th, 3500-141. September 18th, 1979.

THE COURT: When you say the day before, you mean the day before the meeting in Washington?

MR. BROWN: Yes. September 19th was the meeting in Washington. September 18th, 1979. The tape number is 1 -- the tape is 1298. And it is Angelo Errichetti and Mel Weinberg. This is a telephone conversation.

THE COURT: What page in the transcript?

MR. BROWN: First and second and part -- just the top of the third.

THE COURT: All right, play it.

(Tape played.)

(Tape recording stopped.)

Q Now, that tape on the 18th was the final arrangement being made still for Commissioner Nopo, if you recall.

As I recollect -- and perhaps my reasoning reasons with yours. Perhaps it doesn't. The tape -- still, he says, Nopo, do you recall that.

A I don't recall the name.

MR. BROWN: May I have the transcript that was just played?

I think you are correct. His name is not mentioned there.

Q Let me show you September 14th, which is 3500-132. I ask you what your understanding of the name would have been at that time?

A Nopo.

Q N-o-p-o?

A That's correct.

Q Now, had you up to this time -- had you up to this time made any investigation as to name or designation.

A Once I got the name, it was given to John Good and Tony Amoroso. And they checked it out and got the correct name.

Q Well, did they check it out as Mr. Nopo?

A They -- first to see if there was a Nopo in there. And then they got the correct name as Noto.

Q By the time, the day of the meeting, September 19th, the morning, around 12:14 p.m., the time of the meeting, you were looking for a Mr. Noto?

A Correct.

Q And up to this time it had been Nopo and whatever, right?

A Correct.

Q Now, when you checked out, you had -- you didn't do it personally?

A No, I haven't.

Q Someone arrived with a photograph?

A That's correct.

Q And when you saw the gentleman, you compared the photograph and that's how you became concerned?

A That's correct.

Q Now, is it not true, then, that from July right on through that you came to the conclusion that Mr. Errichetti was not sincere, but was pulling a trick on

the organization?

A What date are you giving me there?

Q From July 29th, the first day when you mentioned him -- mentioned him, meaning this particular bogus commissioner.

A No. We didn't realize he was pulling a trick until the gentleman came into the town house.

(Continued on next page.)

Q But it is true that the genesis, the beginning of it went back to the 29th when he talked about the potential of the Department of Naturalization?

A That's correct.

Q So that in effect he had -- in your opinion, he had been trying to fool you from around that time on, right? The 29th? July 29th?

A I would say so then.

Q Now, in terms of the scam within a scan, the whole theory was that it didn't add up unless the person was going to do really what you wanted him to do, right?

A Correct.

Q So that in the Noto case, since the desire was not only, would the person not do what you were going to do, but he wasn't a valid person, then it was impossible to pull off this scam, was it?

A I don't follow the question.

Q Well, one, it couldn't -- the man couldn't promise to do something because he didn't have the power? He was the wrong person?

A That's correct.

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* * *

Q Well, wasn't the plan from the very beginning to have people come in and say they would do things that they really could do if they followed through?

A Correct.

Q Now, therefore, within that concept of the plan, this was not a man who -- or a person who could follow through or could have any intention to follow through on what you wanted him to do because he didn't have the position; isn't that right?

MR. PUCCIO: I object to it as being irrelevant as to whether he could follow through or not.

MR. BROWN: Well --

THE COURT: Is that your interpretation of the situation at that time, Mr. Weinberg?

THE WITNESS: Well, I actually didn't know. I didn't know who the gentleman was at the time he came in.

THE COURT: All right.

Q Well, no matter who the gentleman was, if

it was a valid consummation of your plan, you wanted someone to come in and say before the cameras what he would do for the money; isn't that right?

A That's correct.

Q Okay.

Now, no matter what this man did, if he came in and said what he could do before the camera, he didn't have any power to do it, did he?

MR. PUCCIO: Objection as being irrelevant.

MR. BROWN: Irrelevant?

THE COURT: Overruled on relevancy grounds.

Did you know whether he had any power to do it?

THE WITNESS: Well, I didn't know who the gentleman actually was that came in.

Q But you knew he wasn't the man who had the power to do what you had been set up to have a man say he could do?

A I didn't know he was from Immigration or not.

Q Well, when you -- you knew he wasn't Mr. Noto; is that right?

A That's correct.

Q And your investigation revealed that he was not from Immigration; isn't that right?

A No. We didn't know he wasn't from Immigration. We knew he wasn't Mr. Noto.

Q Well, did you at the time you talked with Errichetti to find out whether or not this was a man who had the power to do anything in that naturalization --

A Well, Mr. Errichetti shed no light on it. He said he could have been somebody else that worked there that the guy sent over.

Q Well, in any event, you knew that you couldn't follow through with your plan because you didn't know who he was; is that right?

A Well, we couldn't pay him.

Q You couldn't.

Well, that was your plan, to pay him for what he said he could do, right?

A That's correct.

Q Now, did any of the people who you called in and especially those concerned in this matter ever do anything even after they came in and spoke to you? The people within this indictment, did any of the people here charged ever do anything either after they came in and spoke on these television tubes?

A That I don't know.

Q Well, you do know with respect to that, of

course, nothing was done, right?

A That's correct.

Q And you do know that within that same time period that you were soliciting Mr. Errichetti to get Myers, the Noto thing was going on, the scam within the scam?

A That's correct.

Q And you didn't know to this day whether or not Mr. Myers, who came in within the same sense as the Noto thing, intended to do anything that he said he was going to do; is that right?

A I do not know.

Q So the words that he employed are words, but the intent to carry them out is something you didn't know to this day; isn't that right?

A That's correct.

Q Now, you did have some conversation with Mr. Errichetti about this business of the 12th, 14th of September, 19th, didn't you?

A That's correct.

Q And you and Mr. Weinberg sat down with him, and we have seen a video tape. Were you aware of that?

A I am Mr. Weinberg.

Q I'm sorry. You and Mr. -- forgive me -- Mr. Amoroso sat down with Mr. Errichetti, talked to him,

and that appeared on the video tape which was played here? You know that, don't you?

A Yes.

Q That's September 19th.

Now, in that particular video tape, is it not true, Mr. Amoroso attempted to get information from Mr. Errichetti about what it was all about? Do you recall it?

A I know he was speaking to Mr. Errichetti.

Q You don't have sufficient recollection from the video tape to answer the question?

A He was just trying to find out what actually happened.

Q Well, let me call your attention to 23-B, which is the tape -- the transcript of the events of 1240 which came at the meeting.

MR. BROWN: Judge, I'm sorry. I didn't ask permission.

THE COURT: That's all right.

Q Now, Mr. Amoroso, Tony DeVito, says, does he not, you didn't -- to Mr. Errichetti:

"You didn't say anything to this guy, right, that would nail him down?

"No, I don't know, I told you."

That's what Mr. Errichetti said; is that right?

A That's correct.

Q Now -- well now, could you tell us, since you were there, what that means, if you can, since they weren't your words?

A No, I don't know what he meant by -- I think Mr. Amoroso was asking if he said anything out of the way to this fellow.

Q Well, when he said, "You didn't say anything to this guy, right, that would nail him down," did you have any understanding as you heard it what that meant?

A I take it by reading it, they are saying -- he wanted to know if he's saying anything that will get him in trouble.

Q Get who in trouble?

A Mr. Errichetti.

Q At that point, in the context of that conversation, Mr. Amoroso wasn't worried about his getting in trouble or you getting in trouble, right?

A That's correct.

Q And since you were an officer of the law, could you tell us what you meant by you getting in trouble? He's talking to you, a special agent and yourself who is

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accompanying him.

Who is he asking him about? Who is he getting in trouble with?

A I just think it was small talk, trying to find out.

Q It was a parry and thrust, sort of give and thrust to get through?

A I would say.

Q Now, did he ever have any success with that while you were there, as far as getting through?

A Not that I know of.

MR. BROWN: Could I have -- your Honor, I ask that the transcript be distributed to the jury -- that they be provided to them so they can follow this. 1240.

THE COURT: The jury has it.

MR. BROWN: Oh, they have it right with them. Thank you.

THE COURT: The jury has those. 23-A. You referred to 23-B.

MR. BROWN: Right.

THE COURT: If my memory serves me right, that is the original tape plus an envelope. It is not a transcript. I assume what you are referring

to is the transcript. The tape is 23-B.

MR. BROWN: 23-A would be the transcript.

THE COURT: All right. When you said 23-B, before --

MR. BROWN: I did. That's exactly what I said.

THE COURT: All right.

MR. BROWN: It would be 23-A of 12:40 p.m.

THE COURT: The only reason I made the point is that there are some asterisks indicating some omission from that tape.

MR. BROWN: Yes. No, sir. It was very important because I --

Q Now, we are looking at 23-A, which is a September 19th, 12:40. That's right, isn't it, Mr. Weinberg?

A Yes.

Q And that is the conversation after the meeting of September 19th at 12:14 p.m. which is a different number altogether.

Now, when -- I asked you the question about those first two lines where Errichetti says, "That's the prerequisite."

Now, I understand a prerequisite to mean something that is necessary beforehand. Could you tell us

what that refers to?

A I haven't the slightest idea.

Q Did you make -- does it make any sense in the context?

A Not really.

Q The next one was, "You didn't say anything to this guy, right, that would nail him down."

That doesn't make any sense, really, does it?

A Well, that's the kind of street talk, that you didn't say anything to get you in trouble to him.

Q "Nail him down," would get -- that "would nail him down," that means get you in trouble?

A That's right.

Q And he says, "No, I don't know."

Now, Mr. Amoroso says, "Oh, no, no, what I'm looking at now is if you got two guys that are going against you.

"Jackpot you."

Could you tell us, since you were there, if you can, what that reference was to?

A The only thing I can think of, he's talking about his chief inspector and Mr. Noto.

Q Who would go against Errichetti?

A Right. They set him up.

Q So that would be a scam within a scam within a scam, right?

A Well, like I say, it was mostly small talk.

Q But I mean, wouldn't that mean if somebody says, Errichetti was set up, and Errichetti set you up, and you tried to set Errichetti up --

A Well, no, not necessarily so.

Q Of course not. I agree. But it could be so?

A It could be.

Q All right.

Now -- so then, Mr. Amoroso says further now, "We have got to protect you."

"To the guy. So there's no problem as far as what we are talking of, but now we got to protect you."

That would mean protect him from the two guys, the chief -- the immigration inspector and the immigration chief, right?

A I think so.

Q And he says, "I'm covered."

And Mr. Amoroso says,"huh."

And Errichetti says, "I'm covered."

"How the hell can you cover it?"

What was your state of mind? What were you talking about?

A I was wondering how he could cover it.

Q Cover what?

Excuse me. I am sorry. I raised my voice and I apologize.

What was it that you talked of his covering?

A If this guy was going to come down on him.

Q The guy that left, Nopo was going to come down on Errichetti.

Now then, Errichetti -- then Errichetti says, "We'll see."

And he says, "Well, he's only on --"

And Errichetti says, "I had --"

And Mr. Amoroso said, "He's only --"

And Errichetti says, "Only the one conversation. That's got to be mouth to mouth, him and I."

And then Mr. Errichetti says, "I'll confront him with it."

And you said, "Did your friend introduce you to him?"

And Errichetti says, "This morning?"

You say, "Yeah."

Errichetti says, "All he said, yeah, that's where I met this morning, then he brought him in. Brought him down. Said this was a commissioner. I said, fine,

thank you. I said, he said things arranged? I said, as far as I know, I don't really know. I'm sure it is. But that was the conversation. There was nothing of any, no money discussed, or none of that shit in my presence and the kid didn't say to me, do you have the money for me, you know, he didn't -- he didn't like bait me."

And Mr. Amoroso said, "uh huh."

And Errichetti says, "This, in front of this guy. But you know seemed awfully -- awfully perfect.

"Yeah, maybe it was too perfect, huh?"

Did you understand that then or now, Mr. Weinberg?

A Mostly small talk.

(Continued on next page.)

Q Well you never really confronted Errichetti head on, did you?

A No.

Q You tried to do something? You never did that, did you?

A That's correct.

Q Now, over on page 4, you talk about Errichetti describing, I suppose a commissioner.

"He's never in the office. He's always out on the street, on the road."

And Mr. Amoroso says, "Well, I don't know who he was, but Ernie -- but Ernie started -- now I use Ernie for that a lot and the guy that we were talking about, Noto, is the guy. That's not him."

Ernie was whom? Another agent, wasn't he?

A That's correct.

Q And he is saying to Errichetti what the truth was? Mr. Ernie -- that long Greek name, the Agent had been spotted by the picture?

A We had the picture there.

Q All right. Now then, Errichetti says, down the page, "I'm thinking. There's another thing, you know, with my guy. Okay, who's bullshitting me, meaning he's got somebody. I'm convinced this guy works there as --"

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And Tony DeVito and Mr. Amoroso says, "Yeah".

And Errichetti says, "Okay, so I don't think he's the FBI, to be very honest with you."

Now, does that make any sense to you in the context of the events?

A Well, I don't know if Mr. Errichetti knew that we were wise to him or not at the time.

Q He didn't know that you were wise to him?

A Right.

Q Because you didn't tell him you were wise to him?

A No, we didn't tell him.

Q By being wise to him, do you mean he was trying to fool you?

A Bring a ringer in.

Q Now, on page 6 Mr. Errichetti says, "It's either FBI or it's a con game, one or the other."

A Right.

Q Did you at any time say to him, Well, I'm sure it's a con game you tried to pull off. Did you say anything like that to him?

A No, I didn't.

Q Now, from that date to this, did you ever say to Errichetti, why did you do it? What did you do?

Or face him down in any form or fashion?

A I didn't say it to Mr. Errichetti. I said it to Mr. Criden.

Q You said it to Criden. And did you after this date, August 19, 1979, ever include Mr. Angelo Errichetti in any of your scam plans?

A I don't think so.

Q That's the end of Errichetti, so far as his very involvement and the other gentlemen of the FBI?

A I spoke to him a few times on the phone. And Mr. Criden told me that he was mad at us.

Q But that was -- for whatever reason that's the end of Errichetti and ABSCAM?

A I would say so.

Q Now, at this time in September you have just completed the events which are recorded and which have been set forth in the Government Exhibit starting with 1A, which is August 5th of 1979, is that correct?

A That's correct.

Q Now, with respect to Mr. Myers, would you say that this period is the beginning of the involvement with Mr. Myers? Or would you say it goes back further to July 29th when the name is first mentioned?

A Will you repeat that?

Q Surely. Looking at August 5th ---

MR. BROWN: Mr. Puccio, would you give him that first August 5th? 1A, sir.

Thank you.

Q You are familiar with this book by now, aren't you?

A Yes.

Q I will take this away from you.

If you would turn to the page that comes right after the tab 1A, sir, that is a transcript in part of a conversation in the Northwest Airlines lounge. Mr. DeVito -- DT, it should be the reverse. TD. It says, DT?

A That's correct.

Q Right. And yourself and Mr. Errichetti and part of it inaudible.

Now, would you say that that is the beginning of the thrust toward the ultimate meeting on August 22nd with respect to Mr. Myers?

A What do you mean by thrust?

Q Well, when I put it this way, I am using that as a date of reference. When did you begin to show an interest in Mr. Myers or have communications with Mr. Errichetti with respect to Mr. Myers?

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MR. PUCCIO: Judge, I object. It's been answered.

THE COURT: He did it before lunch. It's in another transcript.

MR. BROWN: It is, sir. But I wanted to put it in context with this reference to this one, August 5th.

THE COURT: July 31st.

MR. PUCCIO: I thought it was the 29th.

MR. BROWN: Well, you see -- I mean that indicates there can be a difference of opinion. But it is very close.

THE COURT: Well, his recollection of it is -- he is going to have to see the transcript. So why don't you tell us when the transcript was that Congressman Myers name first came up?

MR. BROWN: I will do that, Judge.

Let me show the witness -- may I approach him?

Q 19A, July 29th. And I ask you, would you say that that is the beginning of the date of your interest in Mr. Myers vis a vis Mr. Errichetti?

A Is this the first time I heard his name?

Q Well, was it the first time you heard his

name in the context -- yes, of this case?

A No. Contact with this tape --

Q Context. I am sorry. In the meaning of the case, when did you first hear of Myers aside from, maybe reading in the papers or whatever?

A I heard Mr. Myer's name in March from Mr. Errichetti.

Q So it started in March. The conversation with respect to Mr. Myers started in March, right?

A I just heard his name.

Q You just heard his name?

A Right.

Q Now, using the word context, meaning within the framework of the reason we are here, the indictment, when would you say that the first day of your interest within the framework of this indictment concerns Mr. Myers?

A I don't follow your question.

Q When did you first think that you had Myers in the net of ABSCAM?

MR. PUCCIO: I object to that.

THE COURT: Sustained.

Q When did you first believe that Mr. Myers was a possible candidate for the ABSCAM objective?

MR. PUCCIO: Objection. Same objection.

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THE COURT: Overruled.

THE WITNESS: I believe it was on the telephone conversation he gave me the two names.

Q Have you any idea when that was?

A Not offhand.

Q A month?

A I would say around this time frame.

Q Around the 29th July?

A Well, I don't know exactly July, but around that time.

Q Well, I assume when you say time frame, when you are holding July 29th, you meant this time, July 29th.

A This is the first time with Myer's name on it, then yes.

Q All right. Then we go -- this is in the same framework as the negotiations on Mr. Noto, too, isn't it? Same time span?

A I really don't think so.

Q Well, you first --- we just played the tape with you for -- with Mr. Noto and they run right on through -- starting in July in fact. It is mentioned in the -- the naturalization is mentioned there?

A That's right.

Q So that's when -- and I played all of the

other tapes to show how it progressed through September.

MR. PUCCIO: I object to it as being asked and answered.

MR. BROWN: I agree with you, Mr. Puccio. I apologize. I will put it in another form.

Q It is true, is it not, that you played the tapes and they showed you the transcripts concerning July 29 to August 28, September 3, September 5, September 12, 14 and 18?

MR. PUCCIO: Same objection, Judge.

Q Well --

THE COURT: Can't you just ask a question without all the historical cross-reference, Mr. Brown?

MR. BROWN: Yes. I thought it would save time.

THE COURT: We all know what you have done.

MR. BROWN: Well, Judge, then perhaps that' the greatest compliment I could have. Thank you.

Q Now, did there come a time when on August 8th you told Mr. Errichetti what Mr. Myers should say?

You have it there. What the Congressman should say to Yassir? I call your attention to the top of the page and read on down. I call your attention to

Mr. Amoroso saying, he has introduced some kind of legislation, right, some kind of bill or something, Mr. Errichetti saying, whatever you say, that's fair. Isn't it?

A That's correct.

Q And Tony saying -- Tony DeVito saying, well, I don't know. Whatever I say, he's the guy that knows more about what has to be than I would. I don't know.

And Mr. Errichetti, you mean regards to Yassir.

And Mr. DeVito, yeah.

And you say, yeah, let him tell Yassir whatever he has to tell him.

Mr. DeVito, I mean what I am saying is, yeah, but what I am saying, I better know what procedure, you said, well, it comes to pushing it up, there are big people behind him, knowing the right people. Say, hey, let this guy in. They can give him politics, whatever the hell they call it.

Do you recall? Do you see that before you?

A That's correct.

(Continued on next page.)

Q Mr. Amoroso and you are talking, let him tell Yassir, Mr. DeVito what procedure -- I assume what procedure to follow, is that correct?

A That is correct.

Q That procedure is explained by you in the next few lines, being pushing up people and coming on strong?

A That is not the procedure we are talking about.

Q What procedure are you referring to? Well, if it comes to pushing up big people, going to the right people --

A Whatever procedure they have to take, whatever procedure you have to push through.

Q He would better know that?

You have your interpretation of procedure and you explained it?

A Yes.

Q Now, there were supposed to be two Arab gentlemen?

A Yes.

Q Yassir and --

A Abdul.

Q Was this conversation designed to say you

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must make a presentation to Yassir, telling Mr. Errichetti that?

A Yassir didn't meet with them.

Q I know. At this time were you saying that you -- let him tell Yassir whatever he has to tell, I assume he is going before Yassir?

A At the time I don't know if he is going before Yassir or not.

Q Those are the words, whatever they mean?

A Yes.

Q We had an example of someone who had to go before Yassir, you described twenty minutes on stage, all bullshit?

A Yes.

Q That is what it would be, all bullshit?

A Not really.

Q What was the thing you expected people to say when you took them before Yassir?

A They had to tell him what they would do for him for the money.

Q In this instance, every time you were asked what it was to be done, the reply would come in, no facts at this time?

A What?

Q That would be the reply, what is there to be done, the reply would be: No facts at this time; is that correct?

A Wouldn't give any facts on Yassir and Abdul.

Q The question was asked a number of times, was it not, as to what was to be done, is that not so?

A They would tell what they could do for him and ask us for Yassir's name or whatever information.

Q In this instance, that was never done?

A That is correct.

Q You never reached a point where you said this is Yassir's passport, this is what you want you to do?

A That is correct.

Q As a matter of fact, no facts were ever adduced as to what was specifically -- what specifically would be done, like take the passport or do this or whatever?

MR. PUCCIO: I object.

THE COURT: Overruled. I will let him answer.

Q In this instance, on the 22nd, the specifics were never brought forward as to what should be done; is that correct?

A I don't remember.

Q Would you turn to that particular one, please, by particular one I mean the transcript of the 22nd.

A What number?

MR. BROWN: I think it is 5-A.

THE COURT: You're asking what is there?

MR. BROWN: If he has any recollection of anything specific --

MR. PUCCIO: I object on the grounds the transcripts and tapes speak for themselves. The question is improper.

THE COURT: Sustained.

MR. BROWN: May I call his attention to page 7 and 8, specifically, your Honor?

MR. BEN-VENISTE: Your Honor --

THE COURT: It seems to me you're wasting time, Mr. Brown. If he recalls that being said, what help does that give?

MR. BROWN: It goes to his concept of what this particular scam was in effect at this time. If he doesn't get to that point, it is a conclusion.

THE COURT: As usual, you left me way behind. Ask the question and I will rule.

MR. BROWN: Thank you.

Q Page 7.

THE COURT: Where on page 7?

MR. BROWN: Starting with Mr. Errichetti's comment: "Well, let's get the -- inaudible.

"Mr. DeVito: Well, I don't, I'm not, you know, we talked a little bit about it. But, I don't know of what the case is, that.

"Errichetti: Well, there is no case at this moment.

"DeVito: Uh, well, yeah, what we're saying is we're insuring that when, when --"

And then Mr. Myers says: "When the time comes, if it comes." And Mr. DeVito says: "When the time comes, yeah, when this thing occurs, okay? Gonna come to you and say, hey, here's, here's the guy. He'll be here. Okay?"

Do you recall that?

A Yes.

Q That indicates there was nothing specific at the moment, is that correct?

A That is correct.

Q Now, would you turn to 6-A, please, page 11. I beg your pardon, if you would skip down and go over to page 11.

When Mr. Errichetti, down towards the lower

half of the page, says: "You gotta give me ground rules," could you tell us whether or not that was Mr. Errichetti asking for instructions as to how to what he should or shouldn't do?

A No, this here refers -- I think about the amount of money to be paid.

Q I see. That would refer to that, right. All right, thank you.

You told us that there were a number of telephone calls made by you and I think you testified at some time that you taped every conversation that you had with Mr. Errichetti; do you recall that statement?

A I taped every conversation that was possible to tape.

Q Let me call to your attention your testimony in Philadelphia on July 9, 1980, page 3.116, line 19.

"Q Do you have some guidelines set down for you about taping telephone conversations in your undercover capacity in this ABSCAM investigation?"

And your answer is, "No."

That is correct, no guidelines for you?

A I was told to tape every conversation that I possibly could tape.

Q No one ever told you when to tape-record a

conversation, and your answer is no, I taped every conversation; is that correct?

A I may have said that but I can't tape every conversation.

Q What occasions were there when you could not?

A At a meeting and people were there, somebody called.

Q I think I incorporated telephone conversation in the question. I will do it now if I didn't.

What telephone conversations were you unable to tape?

A If I was at a meeting in a hotel and the telephone call came in, we couldn't tape it.

At my home I had company, I couldn't tape it.

I was on the road at a public phone, I couldn't.

Q Why would you not be able to tape it?

A I wouldn't have a tape recorder on me.

Q Let me call your attention to a telephone conversation in August; August 22, that is the same date as the conference we referred to at the Travel Lodge.

You made a call to Errichetti's home near Camden from Queens at 10:31 p.m. That would have been after the meeting, right?

A 10 a.m.?

Q Let me show you the actual telephone records. I will also make available to you the index so that you can check it out.

You are aware, are you not, Mr. Weinberg, that the index 3500 lists all the telephone conversations that were taped; you are aware of that?

A That is correct.

Q I'm going to show you a phone bill which purports to be related to your telephone and ask you if within the context of this index it is not true that right after the meeting you called Mr. Errichetti on 8/22, that is August 22nd -- may I do it this way, your Honor?

THE COURT: Yes. But keep your voice up.

Q 8/22, and this is a number (indicating) that you are familiar with?

A That's Errichetti's number.

Q That you called?

A Yes.

Q And it's three minutes, right?

A That is correct.

Q Now, three minutes on the 22nd, will you check the index to tell us whether or not you recorded that?

A That is not down here.

Q That was a three-minute call you made to Errichetti without taping; is that correct?

Do you have any recollection of the call?

A Not offhand. Apparently it was made in the hotel room.

Q Pardon?

A Apparently made in the hotel room.

Q No problem taping from the hotel?

A If I was in my room I maybe didn't have the recorder with me.

Q This would be an important conversation, wouldn't it, right after -- you had been set up by this man?

MR. PUCCIO: What date is this?

MR. BROWN: August 22nd.

Q (Continuing) You were in the midst of the Noto thing coming up and you were certain about Congressman Myers --

MR. PUCCIO: I object to the form.

Q On the 22nd, that was a meeting you had with Mr. Myers?

A That's correct.

Q We read from the transcript just a few moments ago?

A Yes.

Q You have in front of you the telephone records, right?

A Yes.

Q Which you are comparing with the 3500 material, is that correct?

A That is correct.

Q You see there you made a telephone call to Mr. Errichetti's home for three minutes, right?

A That is correct.

Q That is not taped, is that correct?

A That is correct.

Q Can you from those telephone records tell us the point from which you called?

A I can't read this here, it's blurred.

Q The figure, as to the time and person receiving the call, are not blurred?

A The amount is $1.75.

Q Let me show you a list of other calls which I would ask you to correlate with the index if you can and also with the particular record.

THE COURT: What exhibit?

MR. BROWN: Exhibit, if your Honor please, is a note which is listing calls. But I would like to refer to the telephone record which I will

have marked and that in turn is correlated with the 3500 index, court record 800249. May I have a marking --

THE COURT: That number you just read is the docket number in this case. That is all right. The other two documents referred to have not yet been marked. I guess one of them has been now.

MR. BROWN: All right.

Q Phone records, O.

THE COURT: All right.

MR. BROWN: The notes have been marked P.

Q I show you P, which are the notes made at my direction and I --

MR. PUCCIO: I can't hear Mr. Brown.

Q August 21 is the one you just checked, right?

A Right.

Q Now, on April 20th, there was another phone call --

MR. PUCCIO: I thought we just checked August 22nd.

MR. BROWN: August 22nd, your right.

Q We just checked August 22nd, right? That is unrecorded, the call?

A Yes.

Q August 21st also indicates, I think you will find on the record, that that too was a phone call made and not recorded?

A That could be to his office. And I couldn't get him at his office.

Q By the same token, August 20th, 6:17 p.m., office number --

A Two minute calls, same thing. When you call the office the girl answers and then Danny, and it takes two or three minutes to get him on the phone.

Q Let's go to August 10th, 5:10 p.m., two minutes.

A Probably wasn't home.

MR. BROWN: May I mark one more sheet? If your Honor pleases, a marking of Q, which is the lawyer's notes to be used in comparison and R, which is the telephone bill.

MR. PUCCIO: These are for identification.

MR. BROWN: Yes, only for identification, of course.

Q I am going to show you something similar, that is Q is similar to P, in the sense they are a manila yellow sheet. I call your attention to May 24th, and show you the actual telephone records coming from Islip to Camden, to

the office number, right?

A That is correct.

Q 32 minutes. Do you have any recollection of that call, which is unrecorded?

MR. PUCCIO: What is the date.

MR. BROWN: The date is -- what was the date you have?

THE WITNESS: May 24th.

MR. BROWN: Right.

(Pause.)

THE COURT: The question, Mr. Weinberg, do you have any recollection of the May 24th telephone call?

THE WITNESS: No, I don't have a recollection. If it was recorded there's got to be a reference. I probably didn't have the recorder with me.

(Continue on next page.)

Weinberg-cross-Brown

Q You were at your home in Islip?

A Yes.

Q You would normally have your recorder with you at home?

A Not necessarily.

Q Were you using the suction cup or the other one?

A I was using the earpiece.

Q Now, you see there there are several calls, there were occasions when you would call and not record where the conversation would be for two minutes?

A Yes.

Q Most likely, as your recollection goes, it would not be with the Mayor?

A Two or three minute calls wouldn't be with the Mayor.

Q I see, thank you.

You testified that except for a wallet and some liquor, and one or two other physical things, you never received any gifts, is that correct? You did mention something about money. And other than money, you only list physical things like liquor, a wallet, something else --

A Wristwatches.

Weinberg-cross-Brown

Q Do you recall having received on or about January 26th, 1979, a Seiko watch for $300 purchased by Angelo Errichetti for you and given to you?

A No.

Q You would state at no time while in Florida did you receive in the month of January, 1979, a watch purchased for you by Mayor Errichetti, is that correct?

A That is correct.

Q Could you tell the jury whether or not in the first or second week of August, 1979, you received a gift, three television sets, Soney, 17 inches, from Mayor Errichetti?

A That is not true.

Q Is it not true that Mr. Joseph DiLorenzo met you at the Cherry Hill Hyatt House in the first two weeks of August, that you gave him the keys to your van and asked him to put these television sets in the van?

A That is not true.

Q Is it not true that you told Mr. Joseph DiLorenzo not to tell Mr. Amoroso about them?

A That is not true.

Q Is it not true that on or about the first two weeks of September of 1979 Mr. Joseph DiLorenzo purchased and delivered to you on behalf of the Mayor an ounce of gold

worth $432 from the People's National Bank of Haden Township of New Jersey?

A Not true.

Q Is it not true Mr. DiLorenzo delivered the gold coin to you at the Hilton Inn?

A It is not true.

Q Is it not true that on or before April 6th, 1979, a Genesis 3, brand name, stereo was delivered to you by Mr. Joseph DiLorenzo as a gift from Mayor Errichetti, it being designated as a birthday gift for Yassir? Was that ever done?

A That is not true.

Q Did you receive on that occasion within the first six days of April, 1979, at the time of the receipt of this stereo, a letter dated April 4th, 1979, addressed to the Honorable Yassir Habiz accompanying said gift?

A This is not true.

MR. BROWN: Your Honor, that will be marked S for identification.

A This is not true.

Q Now, sir, with reference to the gifts I have already called to your attention, did you ever received such gifts in any form believing they were not paid for by Mayor Errichetti but possibly by someone else?

A I don't follow that question.

MR. BROWN: I will withdraw the question.

Q Did you say you didn't receive these items at all?

A That is correct.

Q In other words, you do not say you received them believing they were from someone else, you say you did not receive them at all?

A That is correct.

Q Did you, on or about January 19, 1979, receive a microwave oven, along with a set of dishes delivered to you by Mr. Joseph DiLorenzo?

A That is not true.

Q Did you, sir, on or about March 19th or April -- February or March, I'm sorry, if I may rephrase it.

Did you on or about February or March of 1979 receive from Joseph DiLorenzo a four hour Betamax RCA worth $831 purchased from Best Products in Morristown from Joseph DiLorenzo as a messenger accompanied by Angelo Errichetti, the Holiday Inn in Long Island, New York, and delivered directly to you?

A Not true.

Q Did you on that occasion say that nobody

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Weinberg-cross-Brown

was to know that you have it?

A That is not true.

Q Did Mr. Joseph DiLorenzo on that occasion put the Betamax into your van?

A That is not true.

Q You did receive three watches from Mr. George Katz?

A That is correct.

Q All of the gifts I have outlined you unequivocally and absolutely deny having received as items -- that is to say you never received them whether you believed they were from Mr. Errichetti or not?

A That is correct.

Q Now, I want to call your attention to the draft of a transcript of a telephone conversation, index 1183, dated July 12, 1979. There is a conversation which is apparently of short duration such as you have described.

Would you examine it?

MR. PUCCIO: I object to the statement.

THE COURT: Sustained as to form. Disregard the statement.

Q Mr. Weinberg, you have stated when phone calls were only for two minutes and you talked to Danny, it wouldn't be recorded?

A When I called Danny up to speak to the Mayor, if the Mayor wasn't there, I didn't record it.

Q Would you examine that particular transcript which is a recording and tell us whether or not you ultimately got the Mayor after that contact?

A I did not get the Mayor on this conversation.

Q But it is recorded?

A That is correct.

Q When you told us you generally called and didn't get him, you wouldn't record it -- that is not an example?

A Yes.

Q You didn't always do the same thing the same way, sometimes you did record something and sometimes you didn't?

A I guess so.

Q Thank you.

I think this is yours, Mr. Puccio.

MR. PUCCIO: Thank you, Mr. Brown.

Q Within the indictment that is here charged against these people, it is a fact, is it not, that in spite of the meetings or one meeting of August 22nd with the Congressman, there is absolutely nothing that was done in furtherance of any word, promise, or anything else?

Weinberg-cross-Brown

A I don't follow that question.

Q You did have a meeting with Congressman Myers and others on the 22nd, is that correct?

A Yes.

Q On that date, in spite of the conversation and in spite of whatever passed, absolutely nothing was carried out to aid the Arab or doing anything in his behalf?

A That is correct.

Q The fact is, no matter what happened, absolutely nothing was ever done by the Congressman to carry out any of the so-called objectives?

A To the best of my knowledge.

Q It is also true that you stated that Mayor Errichetti was with you up to September, but that was the end of Errichetti and ABSCAM?

A He went down to Florida and there were a few phone calls.

Q What date would you put for the end of Errichetti and ABSCAM?

A I would say sometime in October.

Q In October of 19 --

A '79.

Q '79?

A Yes.

* * *

* * *

CROSS-EXAMINATION BY

MR. BEN-VENISTE:

Q Mr. Weinberg, we place in front of you Exhibit 22 A, which is a partial transcript of a conversation that began on July 31st, 1979 at 5:00 and it was a telephone call between yourself and Mr. Errichetti. Do you recall that?

A Correct.

Q You were in Florida at the time. And the only question I have, sir, has got to do with the very beginning of that conversation. I want to show you --

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q The extract that begins at some point while the conversation is in progress. Do you recall that, sir?

A Not offhand.

Q Well, do you see where these dots at the top --

A Right.

Q That indicates that something is left out. Now, I am not suggesting that that is relevant, but I want

to get your recollection as to what happened at the beginning of that conversation when you started tape recording it. For those purposes I ask you to put on your earphones -- and ladies and gentlemen -- I ask the jury to put on their earphones.

I am going to ask you, Mr. Weinberg -- would you remove them for a minute.

I am going to ask you if you remember what happened. There is some clunking around before there is any conversation. My question is going to be directed to what happened before the conversation actually started being recorded.

THE COURT: What is it that we are listening to?

MR. BEN-VENISTE: We are going to listen to the very beginning of that conversation which is not going to be reflected on the jury version of the transcript.

THE COURT: I thought you had referred to 23A.

MR. BEN-VENISTE: 22A, your Honor.

THE COURT: 22A. Thank you. Proceed.

(Tape recording played)

(Tape recording stopped)

Q Now, Mr. Weinberg, you weren't suggesting

that at that point in the conversation where you heard that clunking, that you dropped the tape recorder at that occasion, are you?

A No.

Q Could you tell the jury what happened before that conversation got started?

A I think I was waiting for the Mayor to get on the phone there.

Q Do you recall turning the machine on and off on that occasion that you --

A No. Go ahead, finish.

Q Do you recall whether you turned the machine on while you were preparing to make the call and then you turned it off and you turned it on again when you got the Mayor on the phone?

A I probably had the machine on once I knew the Mayor was in.

Q So at the point before we hear the conversation, that's where you started recording, activated the recorder button?

A Yes.

Q Now, just one other question. In connection with this time period, I want you to focus on July 29th and July 31st while you are in Florida and you are calling

Mayor Errichetti up in New Jersey. I want you to tell the jury, sir, whether at that time you had more than one tape recorder in your possession, if you recall?

A More than one tape recorder?

Q Yes.

A I don't think so.

Q Did you have access to more than one tape recorder?

A Not that I know of.

MR. BEN-VENISTE: No further questions at this time, your Honor.

THE COURT: All right. Redirect.

MR. BUCCIO: Yes, Judge.

Your Honor, you asked me to approach the Side Bar on some questions.

THE COURT: Do you want to do that now?

Side Bar.

* * *

* * *

REDIRECT EXAMINATION

BY MR. PUCCIO:

MR. PUCCIO: May I approach the witness, your Honor?

THE COURT: You may.

MR. PUCCIO: Thank you.

Q Mr. Weinberg, do you recall being asked by Mr. Duffy about two separate lists of -- that purported to record payments to you of monies by the Government?

A That's correct.

Q Now, with respect to the first list that was shown you, I believe it's Defendants' Exhibit E.

A That's correct.

Q Does that record payments made to you in connection with the ABSCAM investigation?

A That's correct.

Q Now, with respect to the second list which covers a longer period of time -- that is, from 1963 I believe to 1980, does that cover other payments that were made to you in connection with other matters?

A That's correct.

Q Would it be fair to say that these other matters included services you performed for the Government and information you gave to the Government?

A That's correct.

Q All right. Unrelated to this case?

A Correct.

Q Now -- by the way, have you ever been indicted or charged with a crime in any place other than Pittsburgh, Pennsylvania?

A That's the only time I have been indicted.

Q And is that the only time you have been convicted?

A Correct.

Q Now, do you recall some questions directed to you about Agent Jack McCarthy of the FBI in his role in the ABSCAM case?

A That's correct.

Q Now, did you ever have any discussion with Mayor Errichetti about Mr. Mc Carthy?

A He was a little peeved at him, mad at him.

Q Do you recall any specifics of these conversations?

A Just in general they just didn't get along. One was the problem they had -- they had a payoff.

MR. BEN-VENISTE: Objection, your Honor.

MR. PUCCIO: Well, may I lead?

MR. BEN-VENISTE: We haven't fixed the time and we are going into an area that Mr. Puccio has been directed -- at least to get the Court's permission. It's unrelated to this case. It seems quite apparent.

THE COURT: The first as being unresponsive, you are overruled. You are correct. He hasn't fixed the time. And as to whether it's one of the areas we originally discussed, I just don't know.

MR. PUCCIO: Well, may I ask the question again, your Honor?

THE COURT: Yes.

Q Mr. Weinberg, would it be fair to say that based upon conversations you had with Mr. Errichetti, Mr. Errichetti's relationship with Mr. McCarthy was not that good in the context of this undercover matter?

A That's correct.

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Q And would it be fair to state that the reason that Mr. -- one of the reasons that Mr. McCarthy was replaced was because he wasn't getting along with Mayor Errichetti?

A That's correct.

Q And Mayor Errichetti in fact said that he didn't like Mr. McCarthy, or words to that effect; is that right?

A That's right.

Q Now, you testified at a haring in Philadelphia concerning the meeting on the boat on the 26th of July, 1979, is that correct?

A That's correct.

Q And I believe it was brought out during certain questions that you had said Mr. Criden had brought up the discussion of the Immigration matter on the boat; is that right?

A I told him I thought that Mr. Criden was the one that brought it up.

Q I think you testified that later you checked with Agent Amoroso and he refreshed your recollection that it wasn't Mr. Criden who brought up the matter; is that correct?

A That's correct.

Q I direct your attention --

MR. PUCCIO: And if I may approach the witness, sir?

THE COURT: Yes.

Q -- to page 3.144, the top of the page, at the hearing in Philadelphia, I ask you to read that and tell us if you in fact corrected that error right at the hearing in Philadelphia before you got off the witness stand.

MR. DUFFY: I object to the form of the question, sir.

THE COURT: Overruled.

MR. BEN-VENISTE: I object to the form itself and I ask -- I would ask that the Court be supplied with the transcript.

MR. PUCCIO: Your Honor, I will withdraw the question.

Q Mr. Weinberg, what else did you say about that meeting at the hearing in Philadelphia?

MR. BEN-VENISTE: Objection. Irrelevant.

THE COURT: Overruled.

You may answer.

A We spoke about the Immigration ideas; asked me about that and about the shah wanted to invest, putting

up property over here.

Q Did you say anything about Mayor Errichetti in that connection?

A Yes. I said this is -- this is what the Mayor said. There is no problem. He can handle that. The Mayor said.

Q You said at the hearing at Philadelphia that the Mayor said at the boat they would be handling that?

MR. BEN-VENISTE: I object. He starts with saying that somehow he had corrected the misstatement about Mr. Criden in the Philadelphia hearing. That is not true. And now we are onto something else.

THE COURT: Mr. Puccio, wouldn't it be better procedure if there is more out of the transcript to put into context or correct or modify something that he has been questioned about on cross-examination, for you to read it to him and the rest of us, or else show it to him and ask him if it refreshes his recollection as to something. And if so, let him testify to it.

MR. PUCCIO: All right, Judge. I was going to ask to be permitted to read it and see if he --

THE COURT: Yes. If it relates to the

subject.

MR. BEN-VENISTE: The foundation is whether he corrected the misstatement about Mr. Criden. I would suggest that the testimony is irrelevant to answering that question because he does not correct that statement.

THE COURT: Are you saying that it does correct it, Mr. Puccio?

MR. PUCCIO: My position, your Honor, is that it clarifies that earlier question and answer and does correct it to some extent.

THE COURT: Overruled. You may proceed.

Q Now, were you asked these questions and did you give these answers at the hearing in Philadelphia? I assume the questions were asked -- well --

Were you asked these questions and did you give these answers?

"Q Now, you said earlier that it was on that boat, as I understand it, that Criden came up with the idea for the sheik's business?

"A Well, they discussed --

"Q Is that what you said earlier?

"A I said earlier before Criden was discussing with Tony about the Shah and Somoza at the

time Tony said, we had the same problem. We are worrying about getting the Arabs in the country if nothing goes wrong."

I would assume -- well, I assume that "if something goes wrong, there should be no problem. We can handle that. That is what the Mayor said. That is when the Mayor said that."

MR. BEN-VENISTE: I object to the form of the question, your Honor. Mr. Puccio is interjecting what he assumes a transcript should say.

THE COURT: Whether or not other people interpret the transcript the same way, I will leave it to the jury.

MR. DUFFY: Your Honor, I object and move to strike.

THE COURT: On what grounds?

MR. DUFFY: On the grounds that the proffer is that it's a correction and that it's not. It is misleading to offer that conclusion.

THE COURT: Overruled.

Q Do you remember being asked those questions and giving that answer?

A I do.

Q Now, do you remember testifying, Mr. Weinberg,

on cross-examination about a $25,000 kickback from Mayor Errichetti?

MR. BROWN: I object and ask to be heard at side bar.

THE COURT: Side bar.

* * *

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(The following took place in open court.)

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q With respect to the $25,000, that had nothing to do with the matter under consideration here, is that correct?

A That is correct.

Q And it is a fact that the $25,000 from Mr. Errichetti you never actually got personally, but it was delivered to an agent of the FBI who was undercover?

A Yes.

Q Mr. Brady, is that correct?

A Yes.

Q You kept no $25,000 that Mr. Errichetti transmitted, is that correct?

A That is correct.

THE COURT: In view of the testimony, do you still want the limiting instruction?

MR. BEN-VENISTE: Apparently the first answer about receiving a gift was inaccurate, the witness did not receive --

THE COURT: Will you answer my question?

MR. BEN-VENISTE: The answer is no.

THE COURT: Next question.

Weinberg-redirect

Q Mr. Weinberg, directing your attention to the Myers matter.

Was there any discussion with anyone concerning you or Amoroso receiving a part of the $50,000?

A Yes, at the meeting at the airport Amoroso told me to meet the Mayor and ask for a ten to $15,000 kickback.

MR. BEN-VENISTE: May I have that? I didn't hear it.

MR. PUCCIO: Answer the question again.

MR. BEN-VENISTE: I would rather have the reporter read it.

(Above read by the reporter.)

THE WITNESS: Kickback of ten to fifteen thousand, that he needed money.

Q Did you in fact meet with the Mayor before the airport meeting on the 5th of August and ask him that?

A I met him downstairs on the main lobby and asked for -- Tony needed money, we would like to get $15,000 kickback.

Q What was the purpose of asking that question?

MR. BROWN: I object and ask for a side bar.

THE COURT: Overruled.

Q What was the purpose in saying that to the

Mayor?

MR. DUFFY: I object, it is not relevant.

THE COURT: Overruled.

A Tony Amoroso and Mr. John Good spoke to --

MR. BEN-VENISTE: Your Honor --

MR. BROWN: Your Honor, there is a --

MR. PUCCIO: May I ask a different question?

MR. BROWN: It goes to the same thing.

THE COURT: Do I understand the defendants are now taking the position that the state of mind of Mr. Weinberg and Mr. Amoroso was not an issue in this case?

MR. BEN-VENISTE: I object.

MR. BROWN: The rules of evidence still --

THE COURT: Let me hear the witness' answer as far as he got.

(Record read.)

THE COURT: You better rephrase the question.

Q Mr. Weinberg, Mr. Good and Mr. Amoroso spoke to you about this matter, is that correct?

A That is correct.

Q You were asked, were you not --

MR. DUFFY: Objection, leading.

THE COURT: Which way do you want it? You

object if it is leading and you object when he doesn't lead and the witness tell you hearsay.

MR. DUFFY: We are entitled to have it done right. That question is leading. I object to it.

THE COURT: Mr. Weinberg, with respect to the hearsay objection that has been raised, a witness is not supposed to tell us what someone else told him happened.

In other words, if Mr. Amoroso told you that Mr. Good had gone to Hauppauge, for example, that would not be admissible in court for the purposes of showing that Mr. Good went to Hauppauge.

THE WITNESS: All right.

THE COURT: It would be admissible to -- under some circumstances -- to show perhaps your belief that Mr. Good was in Hauppauge at the time if that were important.

I don't know if that gives you any insight into one of the many ramifications of the hearsay rule in this context, but with that bit of guidance, will you now answer the question and try not to give us hearsay.

A Mr. Amoroso told me to go downstairs because he wanted to find out who was sharing in the money by asking.

for $15,000 back. He had an idea the Mayor would tell him who else was sharing in the money.

Q As a matter of fact, on the tape, which is admitted in evidence as Exhibit 1, the Mayor says: And it's 15 coming back, is that correct?

A That's correct.

Q Was this a reference to this 15,000 that Mr. Amoroso had asked you to ask the Mayor about?

A That is correct.

Q Now, later on there is a conversation where Mayor Errichetti uses the figure one, is that correct?

A That is correct.

Q I believe you testified that that referred to $100,000?

A That is correct.

Q Was there ever a conversation about who would split the $100,000?

A The hundred thousand dollars was to go to --

MR. DUFFY: Objection, sir. May I state my ground?

THE COURT: You want to --

MR. DUFFY: The answer is not responsive and the question does not ask time or place or person.

Q Was there ever any conversation with

Mr. Errichetti about the split of the hundred thousand dollars?

A He said to me at one point that that has to be split up with certain people.

Q Did he tell you who those people were at that time?

A Not at that time.

Q Now, when the figure was reduced, as you testified to $50,000, was there ever any conversation then about 15 coming back or anything to you and Amoroso?

A He balled him out at the meeting and told him: You didn't think of Weinberg --

MR. BEN-VENISTE: Objection.

THE COURT: On what ground?

MR. BEN-VENISTE: We asked for a time and place of this conversation to be fixed. If it is not fixed with respect to the last question, I ask it to be done when Mr. Errichetti said it had to be split. We have no such time.

THE COURT: Time and place, please.

Q As best you can recall, when did Mr. Errichetti say that it had to be split, that is, the hundred thousand dollars?

MR. BROWN: That is not the question, your

Weinberg-redirect

Honor.

THE COURT: That is the last one Mr. Ben-Veniste picked up --

MR. BROWN: Withdrawn, thank you.

THE COURT: Can you recall when and where that occurred?

THE WITNESS: That was on the way when I went downstairs to meet him at the airport there to tell him we wanted 15.

Q On the 5th of August, 1979?

A That is correct.

(Continued on next page.)

Q The second conversation you mentioned where you say that -- next conversation you say Mr. Errichetti bawled out Mr. Amoroso, do you recall when that took place?

A Right after the payoff to Congressman Myers.

Q Now, on one or another of these transcripts, M. Weinberg, you used the phrase: "Come on strong," do you recall that?

A I do.

Q Can you tell us what your purpose was in telling Mayor Errichetti or anyone else to have someone come on strong?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: On what ground?

MR. BEN-VENISTE: The form of the question.

THE COURT: Overruled. You may answer.

MR. BEN-VENISTE: Can he fix the time? The question is Mayor Errichetti or someone else.

Q Whenever you used that expression, what was your purpose?

A The purpose, we didn't want to get in a situation like we got into once --

MR. BROWN: I object to this. The question calls obviously for --

THE COURT: Can you tell us without referring

to other situations that may have occurred that are not involved in this trial, what your purpose was in telling someone to come on strong?

A Yes, your Honor. Tell him to come on strong that we get -- we knew that the man was taking the 50,000, tell us what he was going to do.

Q The public official?

A The public official.

Q And you knew, did you not, that Mr. Errichetti or someone was going to speak to the public official before the meeting?

A That is correct.

Q Now, do you have any idea or can you approximate for us, how many telephone conversations you recorded during the course of this entire investigation?

A I think it runs close to a thousand.

Q To the best of your knowledge, how many tape recordings of those thousand that you made are missing?

MR. BEN-VENISTE: Pardon me?

A Are you saying the ones I made?

Q Yes.

MR. BEN-VENISTE: Excuse me, I didn't hear the question. Mr. Puccio is facing --

THE COURT: Read it back.

(The above was read by the Reporter.)

THE COURT: Is there an objection?

MR. BEN-VENISTE: As far as this witness knows, I assume by missing that means ones he recorded and knew were gone with the airline episode?

THE COURT: I don't know what you assume.

There is an objection?

MR. BEN-VENISTE: Objection to the form of the question.

THE COURT: Overruled. You may answer.

A The only ones that are missing are the ones stolen in the airline on January 23rd.

Q Do you have the year?

A 1980.

Q Now, Mr. Weinberg, do you remember a conversation that you had with Mr. Errichetti and another person on June the 28th, 1979, that was played by Mr. Brown, or a portion of it was played by Mr. Brown?

A Is that the one at the Marriott?

Q Do you remember a conversation at the Marriott?

A Yes, I remember that conversation.

Q Do you recall that -- withdrawn.

How many people were in that conversation?

Do you recall?

A Yes, I think it was three.

Q You and Mr. Errichetti?

A That is correct.

Q Who was the third individual at that meeting?

MR. BROWN: Objection. I think this is one of the things discussed at side bar.

MR. PUCCIO: I will be glad to discuss it if your Honor wishes.

THE COURT: Side bar.

* * *

I N D E X

WITNESS:	CROSS	REDIRECT
MELVIN WEINBERG	2059	2272

E X H I B I T S

DEFENEDANT'S:	Description	FOR ID.	IN EV.
N	Document	2077	
COURT'S:			
9	Mailgram		2051
10	Mailgram		2051
11, 12	Two letters		2186

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------X

UNITED STATES OF AMERICA,

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------X

80 CR 00249

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 21, 1980
12:30 o'clock P.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

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• • •

M E L V I N W E I N B E R G, having been previously sworn, testified further as follows:

(Whereupon, the jury entered the jury box.)

REDIRECT EXAMINATION

BY MR. PUCCIO: (Continued)

THE COURT: Good afternoon, ladies and gentlemen. My apologies for the delay in getting started today. I think we are ready to proceed.

Before we do, however, I want to inquire of you again since I last inquired of you yesterday, has anyone attempted to speak to you or has anyone spoken to you about the case? If so, raise your hand.

Has any one of you talked to anyone else about the case? Have you seen any television broadcast about the case or newspaper articles about it, magazine articles, or heard any radio broadcasts about it since yesterday?

Very good. You may proceed, Mr. Puccio.

MR. PUCCIO: Thank you.

THE CLERK: Mr. Weinberg, please be advised you are still under oath.

THE WITNESS: Yes.

Q Now, Mr. Weinberg, I believe you testified yesterday that on the 28th of June you had a meeting with

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Mayor Errichetti and another individual; is that right?

A That's correct.

Q And do you recall that that was at the Marriott Inn in Virginia?

A That's correct.

Q Who was the other individual at that meeting, sir?

A Senator Williams.

Q Is that Senator Harrison Williams of New Jersey?

A That's correct.

Q Had you met with Mr. Errichetti and Senator Williams before that day?

MR. BEN-VENISTE: Would your Honor be kind enough to give the jury a limiting instruction with respect to Mr. Criden?

THE COURT: This is -- with respect to Mr. Criden or along the lines that I discussed at side bar.

MR. BEN-VENISTE: I only speak with respect to Mr. Criden, but I think it would apply to all of the defendants.

THE COURT: I will give a double limiting instruction, ladies and gentlemen. First off, the meeting they are talking about, you may recall from the testimony yesterday, involved three people,

Senator Williams, the defendant Errichetti, and Mr. Weinberg. None of the other three defendants were present. And therefore until I tell you otherwise -- unless I tell you otherwise -- you should not weigh the evidence as against them, the other three defendants or any of them.

But there is another sense in which the evidence that you are about to hear should be limited in your consideration. The purpose for which I am admitting this evidence is for you to weigh in connection with the contention that what happened as between the defendant Myers and the sheik's representatives on the occasion which you have seen in one of the videotapes when money was allegedly given to Mr. Myers, what happened on that occasion is something that you are going to have to determine. What the meaning of what happened -- what the witness testified to about it, the defendants have argued to you in their opening statements and apart from questions that this is not what it appears to be on the surface, but was in effect someone acting out something they were supposed to be doing or were told to do.

This evidence that you heard yesterday was

offered -- admitted for the purpose of your determining whether or not there is merit to the contention that this was in effect a stage play, that the people who were dealing with the sheik -- sheik's representatives -- in our case, that would be Congressman Meyers -- was he acting or was he not? And the contention with respect to the evidence relating to Senator Williams is there was similar conduct on the part of Mr. Weinberg, that he was giving instructions as to exactly what should be said. He did it on the one occasion. Therefore, the argument would be that he -- that is what he did with respect to Congressman Myers. It is what we call similar act kind of testimony. Its significance for your purpose is to determine whether or not there was some kind of a plan, pattern, action carried on by Mr. Myers and/ or the FBI agents to put words into the mouths of the participants so it would appear on television or on tape recordings that they were taking money in return for being influenced in official actions when in fact that was not the case. That is one of the central issues that you are going to have to determine. And this evidence relating to Senator Williams is an entirely different transaction.

It does not involved any of the -- directly any of the issues that you have to determine in this case. But it is offered solely on this question of what was it that was really going on. I am sorry. It is offered solely on the question of was there some kind of a pattern or plan of action on the part of Mr. Weinberg and Mr. Amoroso to tell people what they were to say.

It is contended that what happened before Senator Williams is that he was told what to say. And it is argued that it was part of a plan, and that plan extended to include what happened before Congressman Myers. There's no contention that there is any direct connection between Senator Williams and Congressman Myers. There is no indication of connections other than the possible common connection of the defendant Errichetti having been present on both occasions.

So it is in that limited sense that you are to view this evidence together with the limitation that it does not apply at this stage directly to any of the other defendants except to the defendant Errichetti.

Mr. Duffy?

MR. DUFFY: Your Honor, I am sure it was unintentional, but there was a point-- the precise wording of which I now forget, but where your Honor said Myers, when you meant to say Weinberg. You instructed the jury that the question was whether Myers and the agents and/or the agent said something to effect a certain rule. I am sure you meant to say "Weinberg."

THE COURT: I am sure you must have understood me. It is the claim that the common plan of Mr. Weinberg and the agents that the defendants offer the testimony of the tapes which you heard yesterday, and, as I understand it, what Mr. Puccio wishes to do is to explain a little more of what happened in connection with the Senator Williams matter so that you can better assess whether there was a plan of that nature or whether it was a different kind of transaction which would be viewed differently. All of these things will be argued to you in the summation and I will have more to say about it in the charge.

Proceed, Mr. Puccio.

Q Now, had you met with Senator Williams before this date, Mr. Weinberg?

MR. BROWN: I object to this, this question.

THE COURT: Overruled.

THE WITNESS: I really don't remember if we -- I think this was the first meeting with him.

Q Well, Mr. Weinberg, were you in Fort Lauderdale, Florida --

MR. BROWN: I object, if your Honor please.

THE COURT: On what grounds?

MR. BROWN: Because he said he hadn't met him before and this is an attempt to rehabilitate him. And I submit it's improper.

THE COURT: Overruled.

THE WITNESS: That's correct. I met him at the party on the boat.

Q That was in March of '79?

A Yes.

MR. BEN-VENISTE: I object to leading.

THE COURT: Overruled.

THE WITNESS: That's right.

Q Was Mayor Errichetti at that party on the boat?

A He was present at the boat.

Q Was that at Fort Lauderdale?

A No, it wasn't Fort Lauderdale. It was Delray Beach.

Q Was a Mr. Feinberg present at that time?

A Yes, he was present?

MR. BROWN: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: He was present, too.

Q Now, Mr. Weinberg, in the portion of the tape that Mr. Brown played yesterday, there is a reference to loans. Do you recall that?

A That's correct.

Q That is, reference to loans on the 28th of June; is that right?

A That's correct.

MR. BROWN: If your Honor please, we ask that the entire tape be played at this time.

THE COURT: Well, if it becomes necessary it can be played again. But I will let Mr. Puccio conduct his examination as he sees proper.

Q Now, what did that refer to? Do you know?

A That was for loans on a titanium mine.

MR. BROWN: I understood your Honor to say there was some limitation. I won't go any further, but I would like to jog his recollection if I may.

THE COURT: I understand what you are referring to. Overruled.

Q Who was supposed to loan money in connection with the titanium mine?

A Yassir Abeed was supposed to loan money to the group to buy the titanium mine and a plant down in Savannah, Georgia.

Q Okay. Who were members of the group?

MR. DUFFY: Objection.

MR. BROWN: Irrelevant and immaterial.

THE COURT: I think the full membership would be irrelevant, Mr. Puccio.

Q Well, was Senator Williams a member of this group?

A He was a member of the group.

Q Was Mr. Errichetti a member of the group?

A Mr. Errichetti was a member of the group, too.

Q And was Senator Williams asked to do anything in connection with this matter?

MR. DUFFY: Objection.

THE COURT: Overruled.

THE WITNESS: Yes. He was supposed to get government contracts for titanium for us.

Q Now, in this conversation on the 28th -- withdrawn.

What was your purpose in speaking to Senator

Williams on the 28th of June?

MR. BROWN: Objection. The tape speaks for itself. His interpretation is irrelevant.

THE COURT: Overruled.

THE WITNESS: The purpose for the meeting was to -- the Senator was extremely nervous meeting Yassir Abeed. My meeting with him was to calm him down, that it was no big deal to say to Yassir -- it was just a meeting. We were going to get the loan. And all he had to do was just explain to Yassir for us to get the loan what he was going to do for us to get the contracts.

Q All right. And prior to this meeting, had you been told that Senator Williams had already agreed?

MR. BROWN: Objection, your Honor, because I think the burden of it is improper and to allow him to continue is improper. I object to the leading where he actually recites conversations, your Honor.

THE COURT: You object to the leading. All right. I will sustain the objection.

MR. PUCCIO: All right.

Q Now, prior to this meeting, had you attended a meeting at the Pierre Hotel in New York City?

A That's correct.

Q Was Senator Williams at that meeting?

A He was at that meeting.

Q Was this --

MR. BROWN: Objection. Unless Mr. Errichetti was there, if your Honor please. I believe he was not.

MR. PUCCIO: Your Honor, it's conceded that he was not.

MR. BROWN: Then I object to it. And I would like to have, if your Honor please, the transcript upon which this is based. I have not received such.

THE COURT: Was this a taped meeting?

MR. PUCCIO: Yes.

MR. BROWN: I have received none --

THE COURT: Make the transcript available to defense counsel before they have an opportunity to recross. I will overrule the objection. You may answer the question.

You understand, ladies and gentlemen, all this testimony is being offered by way of background so that you can better assess what it is that you heard on the tapes yesterday.

Proceed.

Q Now, Mr. Weinberg, at this meeting in the Pierre,

was the subject of this titanium mine discussed with Senator Williams?

A That's correct.

Q And was the subject of his getting contracts discussed?

A That is correct.

Q Now, I direct your attention to the 24th of June, 1979 and ask you if on that date you had a conversation with Alan Feinberg.

MR. BROWN: Objection, your Honor. If again Mr. Errichetti, as I understand it, since I have received no such information, was not present --

THE COURT: The objection is overruled.

THE WITNESS: Will you repeat the --

Q On the 24th of June, 1979, four days before this meeting at the Marriott Inn, did you have a conversation with Mr. Feinberg concerning Senator Williams?

A That's correct.

Q During this conversation, was reference made to this proposed meeting with Yassir?

A That's correct.

Q Do you recall what Mr. Feinberg told you about the Senator at that time?

MR. DUFFY: Objection.

MR. BROWN: Continuing objection. Hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. He told me that he had spoken to the Senator and everything will be all right.

Q Did he in addition say this, referring to the Senator, he's ready and willing to go?

MR. BROWN: I object, if your Honor please, and ask that that be stricken. And I wish to -- I am unclear, your Honor, as to whether a side bar is required for anything other than just the word "objection."

THE COURT: Tell me the grounds of your objection.

MR. BROWN: Well, my objection is that this material is hearsay. It is irrelevant. And I believe it reaches the posture where I must ask your Honor for a mistrial. And I am never certain as to your ruling, whether I said that -- but I -- that's why I asked for a side bar. But I do ask for a mistrial based on these proceedings.

THE COURT: The objection is overruled. It is not hearsay. The testimony is not offered for the truth of what may have been said by Senator -- by

Mr. Feinberg. It is offered, ladies and gentlemen, only for you to better assess what was meant in the tape recordings that were played by one or the other of the defendants yesterday to determine how they may have effect -- how they affect what was going on in the minds of the people at the time the statements were made. And knowing what happened earlier, it is hoped you will be better able and more accurately able to determine what it was that was being said and what was meant by what was being said.

With respect to the motion for a mistrial, it is denied.

Will you read the question back, please.

(Record read.)

THE WITNESS: That's correct.

Q Now, did you attend the meeting with Yassir Abeed on June 28th?

A Was that at the Marriott?

Q Yes.

A I was not at that meeting.

Q All right. To your knowledge, did Mr. Errichetti and Senator Williams attend that meeting?

A They did attend that meeting.

Q And, by the way, at this meeting that you had

prior to the meeting with Yassir Abeed, that is the meeting you had with Mr. Errichetti?

MR. DUFFY: Objection. There is no Yassir Abeed, sir. Unless the Government has someone new.

THE COURT: I don't understand your objection, Mr. Duffy.

MR. BEN-VENISTE: I object to a conversation where the identity of the --

THE COURT: Let me take care of Mr. Duffy's objection first. I don't understand it.

MR. DUFFY: He is asking this witness who responded in the affirmative about a meeting with Yassir Abeed. And I thought he was fictitious, your Honor. That's why I am objecting. Maybe he is real.

THE COURT: Who is Yassir Abeed, Mr. Weinberg?

THE WITNESS: He's an FBI agent.

THE COURT: There was someone who used the name Yassir Abeed?

THE WITNESS: That's correct.

THE COURT: All right. What is your objection, Mr. Ben-Veniste?

MR. BEN-VENISTE: I had the same one. I would like it if the witness would identify who the person really was whom he's having this conversation with.

THE COURT: Who is the -- what was the name of the FBI agent who used the name Yassir Abeed?

THE WITNESS: I do not know, sir.

THE COURT: All right.

Q Now, at the meeting you did attend in which the tape was played concerning -- you said the word, all bullshit, do you remember that?

A That's correct.

Q What were you referring to, Mr. Weinberg, when you said that?

A I was trying to put the Senator at ease, that it was just bullshit. The whole meeting, just wanted to see you and hear what you are going to do for him.

Q Now, would you -- would it be fair to say that the formality of a meeting with Yassir Abeed was all bullshit?

MR. BEN-VENISTE: Objection.

MR. BROWN: Objection. That's a conclusion.

THE COURT: I'll sustain that objection.

Q Well, everything had been agreed to prior to this meeting?

MR. BEN-VENISTE: Objection.

MR. BROWN: Objection.

THE COURT: Sustained as to form.

Q Had everything been agreed to with the Senator prior to this meeting, Mr. Weinberg?

A That's correct.

Q Now, do you recall saying at this meeting with the Senator it goes no further?

A That's correct.

Q What did you mean by that?

A That it wouldn't go further out of the room, what he was telling Yassir.

Q Now, a few additional questions, Mr. Weinberg. Do you recall a meeting on the 16th of June, 1979 concerning which Mr. Brown, I believe, played a tape yesterday in which Mr. Errichetti said the following, I know what we got to do with Pete and the other guy?

A That's correct.

Q Now, Pete refers to whom?

A Senator Pete Williams.

Q Now, the other guy is no one who has been connected with this case; is that correct?

A That's correct.

MR. BROWN: That was stipulated, your Honor.

THE COURT: All right. Now it's been testified to.

Q Now, you testified yesterday that you never

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accused the Mayor directly of being responsible for the Nopo matter; is that right?

A That's correct.

Q Will you explain why you never accused him directly?

MR. BEN-VENISTE: Objection. This was brought out in -- objection.

THE COURT: Overruled.

THE WITNESS: Well, the reason we never accused him directly, we didn't want to lose being in touch with him and --

Q Now --

THE COURT: Did you finish your answer?

THE WITNESS: Yes, your Honor.

THE COURT: All right.

Q You did testify, did you not, that for some substantial period of time you were keeping in continual touch with Mayor Errichetti?

A That's correct.

Q For some period of eight months or more?

A Yes.

Q Why were you continuously keeping in touch with Mayor Errichetti?

MR. DUFFY: Objection.

MR. BROWN: Objection. I ask for a side bar. This too is collateral and has gone to a certain point where we would ask respectfully --

MR. DUFFY: Beyond the scope of the offer, sir.

THE COURT: It is an entirely different area of redirect examination. Overruled.

MR. BEN-VENISTE: Your Honor, I would ask for a proffer at the side bar so that -- since this doesn't involve Mr. Criden, I don't have to move for a mistrial. If the witness blurts out something that he shouldn't --

THE COURT: I assume the witness will only answer the question. Overruled.

You may answer. What was the reason you were keeping in touch with him over this period of eight months?

THE WITNESS: The Mayor was bringing continuous deals to us in Atlantic City. When we got to the politicians, different politicians he was giving us, so we knew that he would be a source of information of people. So we kept in touch with him for that reason.

MR. BROWN: I ask for a mistrial based on the question and the answer.

THE COURT: Not again do you make a motion like that in the presence of the jury, Mr. Brown.

MR. BROWN: I asked you before, your Honor, for your direction.

THE COURT: You did not.

MR. BROWN: I beg your pardon, sir. I will show you.

THE COURT: It's not quite the way it happened. But you understand me now. You know very well such matters should be taken up in recesses.

MR. BROWN: That's why I asked you before if --

THE COURT: Don't argue, please, Mr. Brown. The motion is denied.

Ladies and gentlemen, disregard any discussion between me and counsel. These are things that keep you so penned up in the jury room. Sometimes many things we have to discuss are out of your presence. Occasionally something comes up that is a legal problem that does not affect your deliberations in any way. Disregard it.

MR. BEN-VENISTE: Your Honor --

THE COURT: It won't happen again.

MR. BEN-VENISTE: Your Honor, may I respectfully ask for a side bar if Mr. Puccio is going to pursue

any of these other areas that we have not discussed previously in any detail.

MR. PUCCIO: I am going to a different subject.

THE COURT: The request is denied. Proceed, Mr. Puccio.

MR. PUCCIO: Thank you, Judge.

Q Do you recall, Mr. Weinberg, being questioned by Mr. Brown concerning a certain gift you allegedly received?

A That's correct.

Q Now, would you tell us now during the entire period you were working in the ABSCAM investigation, to the best of your recollection, other than money which has been mentioned, what gifts did you receive?

A I received three gold wrist watches, received the liquor for the party, the food for the party, briefcase, a bottle of liquor and a wallet.--That's to the best of my knowledge.

Q That money you received was turned over to the FBI?

A The 25,000 was picked up by FBI agents.

MR. BROWN: Objection. Asked and answered. I believe your Honor indicated --

THE COURT: I think that was covered yesterday.

MR. PUCCIO: Yes, your Honor.

THE COURT: With respect to the 25,000.

MR. PUCCIO: Now, your Honor --

MR. BEN-VENISTE: Can we have an instruction with respect to that that it hasn't anything to do with this case?

THE COURT: I think it is not disputed.

Well, the matter in connection with which you say the $25,000 was given back to you, that was not this case, was it?

THE WITNESS: It was never given to me, your Honor.

MR. BROWN: There we go. I object.

THE COURT: Do you understand the transaction we are discussing?

THE WITNESS: Yes, your Honor.

THE COURT: Did it have anything to do with this case?

THE WITNESS: No, your Honor.

THE COURT: All right.

Q Now, who gave you those watches, Mr. Weinberg?

A Mr. Katz.

Q What kind of watches were they?

MR. BROWN: Irrelevant. They don't pertain

to my client, if your Honor please.

THE COURT: I am sorry. I didn't hear all that.

MR. BROWN: I say it's irrelevant. It does not pertain to my client. He mentioned another person's name. Nothing to do with this case, as far as I know.

THE COURT: No. It is a matter which has been gone into on cross-examination. Overruled.

THE WITNESS: Paget.

Q Piaget, P-i-a-g-e-t?

A I think so.

Q About how much were those watches worth?

A About $18,000.

Q The three totalled were worth about $18,000?

A That is correct.

Q Now, did you keep those watches?

A I turned them over to Mr. John Good the same day.

Q Mr. Good with the FBI?

A That's correct.

Q Do you know Margo Kennedy's real name?

A Yes.

Q The FBI agent I am talking about.

A Yes.

Q What is her real name?

A Dennedy.

Q Margo Dennedy?

A Correct.

MR. BEN-VENISTE: Will you spell that? Can we get that spelling?

MR. PUCCIO: D-e-n-n-e-d-y.

Q Mr. Weinberg, did you ever hear the expression, you can't con an honest man?

A That's correct.

MR. BEN-VENISTE: Objection. I move for a mistrial. I'm sorry, your Honor. I would like to approach the side bar with a motion.

THE COURT: We will take up motions at the end of the day. At the present time the motion is withdrawn. Proceed.

MR. DUFFY: I object and ask that the prosecutor be admonished, sir.

THE COURT: The objection is sustained. Disregard the question and the answer, ladies and gentlemen.

MR. PUCCIO: I have no further questions.

THE COURT: Recross.

MR. BROWN: Yes, your Honor. If I may.

* * *

RECROSS EXAMINATION

BY MR. BROWN:

Q Why was the name Kennedy used for the lady Margo Kennedy? Why was Kennedy selected? Do you know?

A That I don't know.

Q Does it have anything to do with the fact that Mr. McCartney was referred to as a Kennedy man?

A I don't know.

Q You don't know whether it had any political meaning or not?

A I haven't the slightest idea why she picked the name. She is the one who picked the name.

Q Not in conference with others of the FBI?

A Not that I know of.

Q You always conferred with the FBI before making decisions, right?

A That's correct.

Q But she was allowed to pick Kennedy?

A I don't know.

Q Well, I thought you just said that she picked it herself.

A She picked -- she may have used it before as an undercover name.

Q Do you know as a fact that she picked Kennedy personally?

A I don't know.

Q When you say she picked Kennedy, you were saying something you don't know?

A As far as I know, she picked it. That's all I know.

Q What is it that gives you the authority to say? How do you know that she picked Kennedy?

MR. PUCCIO: I object. Asked and answered.

MR. BROWN: I will withdraw it.

THE COURT: What is the question?

MR. BROWN: Well, depends on what he is concerned about.

THE COURT: Well, you said you withdraw the --

MR. BROWN: Yes.

Q What experience did you have that indicated that she personally selected Kennedy rather than having the FBI select the Kennedy name?

A Because most of the agents pick their own undercover names.

Q As far as Margo is concerned, you don't know that she picked her own name, do you?

A That's correct.

Q So when you said you know she picked the name, that was not right?

A I didn't say I know she picked the -- I said as far as I know, she picked it.

Q You have no such knowledge; is that right?

MR. PUCCIO: Objection.

Q Now, as far as Senator Williams was concerned, you say he was nervous about meeting someone named Yassir Abeed?

A That's correct.

Q Who in truth didn't exist as Yassir Abeed? It was the name for an agent, you said?

A That's correct.

Q And did Senator Williams tell you why this man was -- who was the head of -- who was on this high status in Government was nervous about meeting a fictitious sheik?

A No.

Q Did he say that?

A No, he didn't tell me.

Q He didn't tell you he was nervous, did he?

A He said he -- he didn't say he was nervous. He was worried about the suit he wore, what name he should call him.

Q Now, with respect to this matter that you said was already locked up, I think that's what you said, wasn't it? The deal was already made?

A The deal was already consummated.

Q So what was the reason for bringing him in to go before the fictitious Yassir Abeed?

A Before Yassir would make the loan he wanted to hear it from Senator Harrison himself.

Q What was the reason -- I will withdraw that.

Well, Yassir Abeed wasn't going to make any loan?

A That's correct.

(continued on next page)

Q Whatever you say happened had already been consolidated and solidified?

A We were together, they were going to go ahead and do it.

Q Why would he be brought in?

A (No response.)

Q Why was he induced to go before the fictitious sheik at this time?

MR. PUCCIO: I object to the form.

THE COURT: It is a little confusing.

MR. BROWN: The inducement?

THE COURT: Are you asking from the point of view of the FBI agent, why was he brought in or from the point of view of Mr. Williams, why was he there?

MR. BROWN: It's already established they induced him to come in --

MR. PUCCIO: I object.

MR. BROWN: All right, I'll ask it.

Q Was it a fact that Senator Williams was induced to come --

MR. PUCCIO: Objection to the form, Judge.

THE COURT: Sustained as to form.

Q Was Senator Williams asked to come?

A I believe so.

Q Was it part of the plan to bring him in to watch or whatever you were to do before the sheik?

A He was in Washington.

Q Was it part of the plan to bring him to the Marriott Hotel to go before the sheik?

A I don't follow that.

Q Was it part of the FBI design to bring him to the Marriott to go before the sheik, as you described it?

MR. PUCCIO: I object.

THE COURT: Overruled.

A I don't know if it was part of the plan or part of the FBI, he was supposed to come in front of the sheik and explain to the sheik, Yassir, exactly what he was going to do for him to loan him the money.

Q Who set up the money and arranged for Mr. Williams to come?

A Set up by a group of people, set up by his attorney, Mr. Feinberg, set up by us and Mr. Errichetti.

Q Who was it that suggested the meeting to go, was it the FBI?

A No, it wasn't the FBI suggested the meeting to go.

Q What was the purpose of the meeting?

A To prove that Yassir, that Mr. Williams was going to do what he said he was going to do.

Q Yassir was a fiction?

A Come again?

Q Yassir was a fiction, he wasn't truly an Arab sheik?

A That is correct.

Q Why were you bringing the United States Senator before an FBI agent?

A For part of the acting there to get him to say in front of the Arab sheik what he would do in order to get the loan.

Q It was part of the acting to set him up so he would be available for trial?

A He was not set up. He knew exactly why he was going there.

Q Was it part of the act to go before the sheik to get evidence?

A I would say that is correct.

Q That's what the acting was designed to do, to give you evidence?

A I would say that is partly true.

Q Tell me this, isn't it a fact that although you say things were locked up that you used certain language to

direct Mr. Williams as to what to say?

A That is correct.

Q You told Mr. Williams to stress how important he was in the Senate, is that correct?

A That is correct.

Q What did that have to do with the deal which you already said was locked up, to investing in a titanium mine?

A The whole deal relied upon he could give government contracts.

Q What was the meeting before Yassir that you planned in the Marriott, what did it have to do with him getting government contracts?

A The meeting he said originally he could get the government contracts for the titanium mine. And the meeting was set up for him to tell Yassir to put up $100 million.

Q No money ever passed?

A No.

Q When you brought him in you told him that Tony is -- Tony is a partner of ours?

A That is correct.

Q Shall I read that?

A Yes.

Q "Tony is, you got to know Tony is a partner of ours, he's going to be, the main thing he thinks he's got to ask, he will ask you"?

A That is correct.

Q Is that clear?

A That is correct.

Q Therefore you were saying to him that Tony was a partner with you and others, not with the Arab?

A We owned 10 percent and the rest owned 18 percent of the mine.

Q So that you and Mr. Amoroso were to be partners, is that right?

A That is correct.

Q But according to the script the sheik was not supposed to know that?

MR. PUCCIO: Objection..

MR. BROWN: There is a script, a scenario, your Honor. Acting is what the gentleman said.

THE COURT: Sustained as to form.

Q There was a plan worked out in your mind that was to be followed, is that correct?

A There was no plan. Everything was worked out by ears.

Q By?

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A There was no plan. We didn't know what was going on.

Q But there was a general idea?

A Maybe a general --

Q Wasn't there a plan which you advanced to the person you were talking to as follows: Tony is, you got to know Tony is a partner of ours, that is part of the plan; wasn't it?

A He knew Tony was a partner before the meeting.

Q That was part of the plan?

A There was no plan.

Q Was there not a plan whereby you and Tony would represent yourselves as partners in this venture?

A We would own shares in the venture.

Q Wasn't that a part of your predetermined idea that you would pretend?

A As we went along we made it up. We didn't have a plan.

Q Didn't you say to the person at this time, here is what you should say, you got to just play and blow your horn, the louder you blow and mention names who you control -- was that a part of your plan to induce that kind of statement?

A There was no plan, Mr. Brown.

Q Wasn't that part of your idea, what you want to occur?

A We had no idea what would happen at a meeting or what was to be said.

Q You're suggesting what would be said?

A We told him in order to get the $100 million from Yassir he has to make sure Yassir understands he would get the government contracts.

Q Now, let me ask you this. If you will examine, please, this transaction -- and I ask the Government to supply their copy of the June 20th draft as well as the 28th --

MR. BROWN: May I conduct it this way, Judge?

THE COURT: Is there a copy for the witness?

MR. PUCCIO: Starting with --

MR. BROWN: Hold it --

THE COURT: What is the exhibit number?

MR. PUCCIO: 70-A, the 28th.

THE COURT: 3500-70A?

MR. BROWN: 70-A, your Honor.

THE COURT: All right.

MR. PUCCIO: The other one was the 20th. 3500-68-A.

THE COURT: Thank you.

Q Now, you were in the first part of your address to him, starting with: "Tony, upstairs" --

MR. PUCCIO: I object to the form of that.

THE COURT: I don't understand it.

MR. BROWN: The 28th, his address to the man.

THE COURT: What is the question?

MR. BROWN: The question is, I will call his attention to the first statement that is made. Tony is upstairs. To identify the page.

Q Do you have that page?

A No, I don't.

Q It would be page 2 --

THE COURT: Tell us when you find it, Mr. Weinberg.

THE WITNESS: On page 2?

Q Let me try to show it to you.

May I approach, Judge?

THE COURT: Yes.

MR. BROWN: Maybe we don't have the same one.

THE WITNESS: That is page one.

MR. BROWN: It says "2" up here, right?

THE WITNESS: I'm sorry.

Q As far as that tape is concerned, starting with what is called page 2, by your interpretation, I can

understand the first page is the cover, page two would be the first with the typewritten material. You say, "Forget the money, all you have to do is tell him, all right?" You are addressing that to the person you brought in, is that correct?

A That is correct.

Q Now, then you go on to ask him about -- tell him what he should say, who you know in the Senate can do you favors, right?

A That is correct.

Q In other words, you're telling him what he should say when he goes in to see Yassir?

A I'm telling him he's got to come on strong in order to get the $100 million from Yassir.

Q You're telling him precisely wnat areas he should cover, is that correct?

A If you put it that way...

Q When you say who you know in the Senate could do you favors, aren't you saying to him, you tell Yassir who you know in the Senate?

A If the man says he's got government contracts, he's got to know who's going to get them.

MR. BROWN: I move to strike it as not responsive

THE COURT: Overruled.

Q Do you know --

MR. BROWN: May I withdraw my question and ask to play the entire tape since it's been touched upon? Let the jury make an interpretation.

THE COURT: Any objection?

MR. PUCCIO: No.

MR. DUFFY: No.

MR. BEN-VENISTE: No.

MR. BROWN: Play the entire tape.

Q Mr. Weinberg, this tape when played will be the total conversation that you had with this gentleman before he went into the room to see Yassir?

A Yes.

Q Did you not go into the room to see Yassir?

A No.

Q All that is about to be played is preliminary to his going in?

A That is correct.

Q The conversation which you have here is the result of his arriving at the Marriott because that is where you had your setup to do the photographing?

MR. PUCCIO: I object.

THE COURT: I'm sorry --

MR. BROWN: I will withdraw it.

Q By the way, he arrived and you gave him this talk about what is about to come out on the tape?

MR. PUCCIO: I object to the speeches.

MR. BROWN: I have to put it in its context.

THE COURT: Overruled.

Q At the time the tape which is being played was produced in terms of sound, there was a room set up in the Marriott already prepared for pictures to be taken; is that correct?

A I was not in the room,I don't know.

Q You don't know that there was already a room set up prepared to take the pictures?

A I knew there was a camera up there.

Q Your preliminary conversations on the tapes were prepared so that when he went in the room certain things would be discussed; is that correct?

A That is correct.

Q In that room in the process of this discussion, you knew that government agents were prepared to take pictures?

A That is correct.

(Continued on next page.)

Q So that in a sense the tape preparation is the way you prepared the man before he went in?

A This is what I said to the man.

THE COURT: Look as the list of 3500 material. It indicates under 3500-70 a tape for June 28, 1979. at the Marriott Inn, 1790. And two conversations. The first conversation and the second conversation.

Are we to hear both of those conversations or one?

MR. BROWN: Both. The one we provided is the first one, your Honor. And the second one is --

THE COURT: The first one is indicated to be among Mr. Weinberg, Mr. Williams and Mr. Errichetti.

Is that the one you want played or do you want them both played?

MR. BROWN: Would you give His Honor the number before you start, Mr. Furst?

MR. FURST: 1790.

THE COURT: The Exhibit list indicates two conversations with different participants. Mr. Errichetti is the same participant in both.

MR. FURST: Yes.

THE COURT: All right.

MR. FURST: Just the second one.

THE COURT: That is the one that does not involve Mr.Weinberg or Senator Williams?

MR. FURST. Mr.Errichetti, Senator Williams, and Mr.Weinberg.

THE COURT: It seems to be indicated the persons on the Exhibit list --

MR. PUCCIO: That is Side B of the tape. There are two conversations. What they want is Side B.

THE COURT: That is the one we are going to hear?

Those three participants, Williams, Weinberg, and Errichetti.

Still in the limited area of this evidence, ladies and gentlemen.

You may play the tape.

(Tape played.)

MR. PUCCIO: Judge, I understood we were playing the whole tape. Apparently now it's a portion.

THE COURT: The request was the whole tape.

MR. BROWN: Yes.

MR. PUCCIO: Start it from the beginning.

MR. BROWN: I would say so. It's the whole

tape referred to in the transcript.

MR. PUCCIO: That's what I thought.

MR. BROWN: I can't take responsibility for the electronics.

MR. FURST: Ready to play it.

THE COURT: Ready to play it,play it.

(Tape played.)

MR. BROWN: I have no further questions, your Honor.

THE COURT: Any other questions?

MR. DUFFY: I have a few, sir.

THE COURT: All right.

RECROSS EXAMINATION

BY MR. DUFFY:

Q Mr.Weinberg, let's stay right on tapes for a moment.

You testified both on direct examination and cross examination and I think on recross examination, about the missing tapes.

Do you remember those four or more or less tapes that are missing?

A That is correct.

Q You are aware, are you not, that National Airlines has reported to the Court in response to our

subpoena that there was never any claim filed for lost or damage to your baggage?

A I haven't filed a claim.

Q There never was one filed, no one from the Government filed a claim, are you aware of that?

A The Government investigated, I didn't say filed a claim.

Q Would you like to see Government's Exhibit 7 -- Court Exhibit 7. May I approach the witness,your Honor?

THE COURT: Yes.

Q Would you read that to yourself?

(Pause while witness reads document.)

THE COURT: What is the question, Mr. Duffy?

MR. DUFFY: The question is whether the witness is aware no claim was filed by anyone in connection with tapes or anything allegedly lost or damaged on the flight he came up from or any other flight.

THE COURT: Can you answer?

THE WITNESS: I didn't file a claim with National Airlines. I turned it into the FBI to check it out. The FBI made an investigation in West Palm and up here for the missing tapes.

Q But they never asked the airline, did they?

A You have to ask the FBI, not me.

MR. DUFFY: I offer Court Exhibit 7.

THE COURT: Any objection?

THE COURT: May I see it.

MR. PUCCIO: I have no objection.

MR. DUFFY: May I read it to the jury?

THE COURT: Court Exhibit 7 received in evidence. You may read it.

MR. DUFFY: It's a document addressed to the Clerk of the Court, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York.

Reference is United States of America against Errichetti, Cuden and Johanson.

It reads: "Dear Sir: Pursuant to the subpoena served on Pan American World Airways, Inc. on August 13, 1980, and upon the instruction of Mr. Lou Raino, a clerk of Henry F. Furst, Esq., please be advised that National Airlines, Inc. ("National") does not have a copy of a ticket issued to Melvin Weinberg for Flight 181 from Florida to New York (LaGuardia) on January 23, 1980 or for any other National flight from Florida to New York on that date.

"Please note that National did not have a Flight 181 to New York on that date. However, National's passenger name record (PNR) does indicate that an 'M.Weinberg' purchased a ticket on January 22, 1980 from Sergeant Travel Agency, a Florida travel agent, for National's January 23, 1980 Flight 180. Since the ticket was not issued on National ticket stock, National does not have a copy of it and therefore cannot verify that Melvin Weinberg was a passenger.

"In addition, National does not have any record of a baggage claim for loss or damage to any of Melvin Weinberg's property for a flight from Florida to New York."

Q Mr. Weinberg, you told us earlier, I think you didn't know when the tapes were made, is that correct?

A That is correct.

Q Can we say with some certainty that the tapes were made within the month of January?

A They weren't made that far back, they were made within that week.

(Continued on next page.)

CONTINUED RECROSS EXAMINATION

BY MR. DUFFY:

Q Certainly in the month of January, because that is the month you flew up here, right?

A Right.

Q Now, have you any notion or have you done any checking since you first got on the witness stand to determine of whom those were tape recordings?

A No.

Q Mr. Puccio asked you in redirect examination, whether you have ever been, in his words, indicted or charged of any crime or for any crime other than Pittsburgh. Your answer as I have it noted is that you were only ever indicted in Pittsburgh; is that correct?

A That's correct.

Q But you were charged with crimes in Miami, were you not?

A That was thrown out.

A Specifically interstate transportation of stolen securities; am I right?

MR. PUCCIO: I object, Judge.

THE COURT: Sustained.

MR. DUFFY: May I inquire along this line? I think the time is relevant.

THE COURT: I'm not sure what it is you want to inquire about. I will hear you at side bar.

MR. DUFFY: Maybe if I just ask the question which I don't think it will be damaging, your Honor can entertain an objection to that.

THE COURT: Keep in mind what is proper cross examination.

MR. DUFFY: Yes, sir.

(End of side bar conference.)

(Open court.)

Q You were arrested on the Pittsburgh scam in January of 1977, were you not?

A That's correct.

Q Isn't it so that in February, 1977, you were arrested and charged with the Miami charge?

A February?

Q March '77.

A I think it was March.

Q Pardon?

A I think it was March.

Q So it was after you were arrested on the Pittsburgh scam you were arrested on another scam in Florida; is that right?

MR. PUCCIO: Objection.

THE COURT: You are a little late, Mr. Puccio. You should have objected two questions back. I will let him answr that question.

THE WITNESS: Repeat that, please?

Q After you were arrested on the Pittsburgh scam, Miami arrested you, did they not?

A That's correct.

Q And that was the federal prosecutor, was it not, the FBI?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Isn't it so that the Miami charge was dismissed?

THE COURT: Sustained.

Q Isn't it so that the Miami charge was dismissed?

THE COURT: Sustained.

MR. DUFFY: I didn't hear an objection, so maybe I was talking too loud.

MR. PUCCIO: Same objection.

THE COURT: It is sustained.

Q You testified that on August 22nd, the day of the meeting with Congressman Myers, you had a talk, a chat with Amoroso upstairs, and then you went downstairs and approached the mayor, and had a conversation with

him, do you remember that?

A That's correct.

Q And you told us that you informed the mayor then that ou and Tony wanted a $15,000 kickback; is that right?

A You are talking about the meeting with Myers?

Q Yes, sir.

A No, I didn't inform them. I informed him at the meeting with Myers that he was only getting $50,000. And that, you got the meetings mixed up.

Q Will you tell the jury what meeting it was that you left the room and went downstairs and talked about $15,000 kickback?

A That was at the airport.

Q But it had to do with the Myers meeting?

A Had to do with Myers.

Q All right. It was the same day, was it not?

A No, it wasn't.

Q What day was it?

A I don't remember offhand what day.

Q In any case, you went to the mayor and told him that you and Tony would require a $15,000 kickback, and your purpose was to see if you could uncover who was

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was going to share the money; is that right?

A That's correct.

Q All right. Did you tape record that conversation?

A No, I did not.

Q Did you prepare a report for this jury to see of that conversation?

A I did not make reports out.

Q Ever?

A That's correct.

Q Did Amoroso prepare a report of your meeting to the mayor that day?

A That you will have to ask him.

Q But so far, all the jury has to determine whether or not you had this conference with the mayor is your word; isn't that right?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. DUFFY: That is all.

THE COURT: Any other questions for Mr. Weinberg?

MR. BEN-VENISTE:

RECROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, in connection with the

expenses you put in for, during the time you were working for -- on the Abscam project, do you recall whether personal expenses relating to you you were put in, that is, things like toilet articles and so forth, everyday living expenses?

A That's correct.

Q Would it be fair to say that you charged the FBI for virtually everything you needed in order to live?

A Well, I was -- when I was on the road, yes.

Q So that things like things that you would ordinarily have to use, you charged the FBI anyway?

A I don't know what things you are talking about.

Q Well, like clothes?

A That is correct.

Q You charged the FBI? Do you know how much money you charged as expenses for clothes?

A I haven't the slightest idea.

Q Before you got involved in Abscam, I take it you wore clothes?

A I have reason to think I did.

Q Do you have a doubt about it?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q And you wore -- let me understand.

At some point you were getting as much as $5,000 a month?

Is that right?

A Idon't know. You have it in front of you.

Q You don't know, Mr. Weinberg?

A That's correct. You have the slip in front of you, I don't.

Q You mean unless I have a slip in front of me, you are not going to answer before this jury whether you know if --

THE COURT: Sustained. Argumentative.

Q Do you know whether you were paid $3,000 a month at some point?

A That's correct.

Q You testified that you know you were paid $1,000?

A That's correct.

Q Didn't you testify in Philadelphia that you got a raise up to $5,000 a month?

A I said I got extra money near the end.

Q Wasn't that a retroactive raise to raise you up to $5,000?

A Not that I know of.

Q Was it a business?

A I don't know really what it was for.

Q Somebody just came up to you and said, "Mel, here is a bunch more money."

And you said, "Okay, I will take it."

Is that what you are saying happened, in substance?

MR. PUCCIO: I object.

THE COURT: I will let him answer.

THE WITNESS: Is that what happened? They gave me the money there, they had to put in there the -- what the money was for.

Q Did you ask for the money?

A I never asked them for the money.

Q You are saying you never asked for a raise?

A There wer times when I asked for raises but what you are talking, I didn't ask.

Q Wait a minute. When did you ask for a raise?

A When I was getting a thousand.

Q So you asked for a raise and you got $3,000?

A That's correct.

Q Was that about the same time that Mr. Amoroso came in to pinch hit for Mr. McCarthy?

A I think so.

Q Then you got a bunch more money, you said? Do you know how much it was?

A Ihaven't the slightest idea.

Q When you say you haven't the slightest idea, Mr. Weinberg, do you really mean that?

A I never seen that slip until Icame in to court.

Q But you saw the clerk when someone laid it on you?

MR. PUCCIO: I object.

Q Didn't you?

THE COURT: Sustained as to form.

Q You saw the check when you cashed it, Mr. Weinberg? Didn't you?

A That's correct.

Q I ake it you did cash the check?

A That's correct.

Q You did accept the money?

A That's correct.

Q And are you saying you had no conversation about what it was for?

A Somebody giving me money I don't ask questons.

Q I see. Okay, nothing further on that line.

Q Do you have any idea how much you charged him for things like clothing, for shoes, and sox, underwear? On top fo the $5,000 a month.

A I have no idea.

Q Did you save some receipts to put in with the vouchers or did you convince them to take your word for it?

A Whatever Ispent, there was a receipt for it.

Q That you kept the receipts for?

A That's correct.

Q But those were the only things you were -- you managed to keep in the way of financial records; is that your testimony?

A I have -- as all receipts were turned in to the FBI.

Q Those were the only things that you managed to save in terms of your financial records? Is that right?

A That is not a fair question, because I got those receipts when I spent the money, and I got reimbursed that money.

Q But you kept no official records, you tell us?

A That's correct.

MR. PUCCIO: I object on the grounds that all of this has been gone over.

Q Regarding the Mario Notto affair. Excuse me, I was looking at my notes.

THE COURT: I didn't rule. You went on to something else

MR. BEN-VENISTE: The witness answered the question, your Honor.

THE COURT: I will let it stand.

MR. BEN-VENISTE: Thank you.

Could we have it read back, if the jury heard? I heard him answer --

THE COURT: No, I think, Mr. Puccio is right, we have gone over it before.

MR. BEN-VENISTE: I see. I will move along.

Q With respectto the Mario Notto situation, I think -- I think you testified in response to Mr. Brown's questioning yesterday, sir, that you never faced Mr. Weinberg down. I am sorry. You never faced Mr. Errichetti down, in connection with them putting one or trying to put one over on you in the Mario Notto sitation with a ringer. Do you recall that?

A I recall that.

Q And you said that you hadn't confronted

Mr. Errichetti, you didn't face him down in any fashion and your answer was, I didn't say it to Mr. Errichetti, I said to Mr. Criden.

A That's correct.

Q You remember that, sir?

A That's correct.

Q Now, in that connection, was the facing down of Mr. Criden that you were referring to, the tape that was played to the jury?

A I don't follow you there.

(Continued on next page.)

CONTINUED RECROSS EXAMINATION

BY MR. BEN-VENISTE:

MR. BEN-VENISTE: May I have just a moment, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: I have it buried here myself.

Q It was an October 4th telephone conversation that you recorded, and I think it is in evidence, a portion is in evidence already as Exhibit 25A.

MR. BEN-VENISTE: May that be supplied? May your copy be supplied to the witness so that he doesn't have to check ours?

MR. PUCCIO: Do you want another?

MR. BEN-VENISTE: Yes, Exhibit 25A, your Honor.

May the jurors' books be distributed to them at this time? I am going to play another tape, and we have a supplement for them as well.

THE COURT: Before we get that set up, let's take a short recess.

Don't discuss the case during the recess, ladies and gentlemen.

(Jury leaves courtroom.)

* * *

* * *

(Jury enters the jury box.)

M E L V I N W E I N B E R G, having been previously duly sworn, testified further as follows:

RECROSS EXAMINATION

BY MR. BEN-VENISTE (Continued):

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q I was asking you, Mr. Weinberg, whether the compensation that you had with Mr. Criden about the Mario Noto situation occurred on October 4, 1979 in your telephone conversation with him. And I direct the jury's attention to Exhibit 5-A, which is an excerpt of that conversation.

THE COURT: Is that when it occurred?

THE WITNESS: What's that?

THE COURT: Is that when it occurred?

A I spoke to him before about -- this ain't the first conversation I had with him about it.

Q Was that a taped conversation or not?

A In fact, I spoke to him twice. Once was in the Holiday Inn and the other was at the Cricket Club.

Q Was either of those taped?

A No, they weren't.

Q Now, with respect to Exhibit 25-A, sir -- as a matter of fact, what you did with Mr. Criden was not to bawl him out or confront him, but to criticize him for mentioning to Mr. Errichetti that you thought the ringer had come from Errichetti's office; isn't that so?

A That's correct.

Q Now, let's go to the question of your cooperation with the FBI after your Pittsburgh conviction, sir. You say you spent three days being debriefed by FBI agents and you told them basically everything about your past, all the criminal things you have done and all the fraud you had committed; is that right?

MR. PUCCIO: I object.

THE COURT: What grounds?

MR. PUCCIO: Asked and answered.

MR. BEN-VENISTE: Well --

THE COURT: It does seem like --

MR. BEN-VENISTE: Foundation, your Honor.

THE COURT: You are into an area that was not brought up on redirect, as I recall.

MR. BEN-VENISTE: This area had to await the discovery, your Honor, that we have just now completed.

THE COURT: All right, I will permit it. Overruled.

THE WITNESS: Do you want to repeat that?

MR. BEN-VENISTE: Read it back, please.

(Record read.)

THE WITNESS: That's correct.

MR. BEN-VENISTE: Your Honor, would this be an appropriate time for that --

THE COURT: No.

MR. BEN-VENISTE: All right.

Q Mr. Weinberg, did you tell the FBI on that occasion -- strike that.

Part of you London Investor scam was the franchising all over the world to other con men of this particular scheme; is that correct?

A Correct.

Q Now, did you inform on all of those people to whom you had sold your franchise?

A I never sold the franchise.

Q Well, whatever you did with the franchise. Did you inform on all those people you brought in?

A I don't really rememb er.

Q This was in 1977?

A That's correct.

Q Did you inform on some of them, but not others? Is that what you mean to say when you don't remember?

A No. I don't remember if I -- because I don't think I have a record of who we gave the franchises out to.

Q So you don't remember one way or the other whether you informed on those people?

A Correct.

Q And of course, there are no records of that?

A Correct.

Q Now, just one question about this Senator Williams business. Is it not a fact, sir, that you lied to Senator Williams or the middleman in connection with that case to make it appear that you and Tony were going to cheat the phony sheik?

A What do you mean by lie?

Q I mean by lie that you told them an untruth.

A We were doing an undercover operation so we had to tell certain stories.

Q Well, whether you had to tell the stories or not, one of the stories you think you had to tell involved representing to them that you were going to either steal something behind the sheik's back or cheat him in some way, be disloyal to him in some way?

A Not in this case. They offered 10 percent.

Q Mr. Weinberg, answer my question yes or no if you can.

A I can't answer that yes or no.

Q All right. Let me try to simplify it.

Did you not tell the individuals in that case, which admittedly has nothing to do with this case, that you and Tony were partners and you were going to split up a particular deal between the two of you, and the sheik didn't have to know about that?

A The sheik had nothing to do with that. He's only putting the money up.

Q He was only putting the money up and you were going to get the profits?

A No, it wasn't to do with the profits.

Q You were going to get some shares in that project?

A He offered ten shares in the project.

Q And this was behind the sheik's back, right? Yes or no.

A Couldn't be behind the sheik's back because the sheik told him what we were doing.

Q You told the sheik something?

A Sure. We told him we were getting 10 percent.

Q The sheik was an FBI?

A That's why we told him.

Q He was fictitious. I am talking about what you told the people that you were dealing with. Didn't you make it appear -- you now know the difference between what is fake and what is real, don't you?

A We didn't tell the people.

Q Let me ask you a question again. If you can't answer, I will go on to something else.

Did you not make it appear to the people who you were dealing with that you and Tony were going to split up something involving the sheik's business that the sheik wasn't going to know about? Yes or no.

A That is, no. If we are talking about the sheik.

Q Or Abdul Enterprises?

A That's still, no.

Q What name do I have to hear to hear a yes.

MR. PUCCIO: Objection.

THE COURT: Sustained as to form.

Q Yassir?

A That's still, no.

Q Abdul?

A Still, no.

Q Ameer? Some other fictional character?

THE COURT: The problem is with your question, Mr. Ben-Veniste.

MR. BEN-VENISTE: I will drop it, your Honor.

Q Mr. Weinberg, there came a time when you learned, did you not, that the -- I will take that away from you.

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q There came a time, did there not, sir, when you learned that the prosecutor in Philadelphia wanted to run a little operation on his own involving ABSCAM.

MR. PUCCIO: I object to that.

THE COURT: It does seem to be beyond the scope of the direct.

MR. BEN-VENISTE: Well, your Honor, it would mean recalling the witness otherwise in a matter which I think is going to come up next. I would ask for your Honor's indulgence on this one area.

THE COURT: My indulgence seems to run on endlessly.

MR. BEN-VENISTE: This will be very narrow.

THE COURT: I am trying to keep things in their proper order of proof. But I will leave that to Mr. Puccio. I will sustain the objection if he

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presses it. If he has a suggestion that might save something in the future, he can withdraw it.

MR. PUCCIO: All right. On the representation that it will save us some time, I will withdraw my objection.

MR. BEN-VENISTE: Thank you.

THE COURT: All right, proceed.

Q Can you answer --

MR. PUCCIO: Your Honor, on the -- I will withdraw my objection as to the taking it up at this time. But I object on the grounds that this witness can't testify to a conclusion of someone else.

THE COURT: I have forgotten what the question was.

MR. BEN-VENISTE: Then I will rephrase it.

Q Did you learn at some point that there was going to be some kind of undercover operation based out of Philadelphia?

A That's correct.

Q And when did you hear about that?

A I don't know the exact time, but a week before I was told to make the call.

(Continued on next page.)

Q And you were told to make the call to Howard Criden, were you not?

A Yes.

Q In between August 22nd,and the time that you make the call, you had had absolutely nothing further to do with Congressman Myers, had you?

A That is correct.

Q You were told to make a call to Mr. Criden in order to introduce Mr. Criden to another gentleman, is that correct?

A I didn't know. I was told to make the call and introduce Ernie. He was going out with another fellow.

Q Your instructions were to call Mr. Criden and tell him that he would be expecting a call from two other individuals?

A He was receiving a call from Ernie Apodapolos.

Q How about Haridopolos?

A Haridopolos. And he would call Mr. Criden up and make an appointment.

Q Wasn't there another gentleman?

A Michael Cohan.

Q Was Michael Cohan a real name or fictitious name?

A Fictitious.

Q Was Haridopolos a real name?

A Yes. He didn't use that name, he used --

Q What was that?

A Poulos I think.

Q Special Agent Ernest Poulos and Special Agent Michael -- do you know his real name?

A I don't know.

Q Michael Wald, using the name Michael Cohan?

A If you say so.

Q Did you ever know his real name?

A I only met the fellow just recently.

Q You didn't know his real name?

A No.

Q You knew the name Cohan was fictitious?

A That is correct.

Q Do you recall having a conversation with Mr. Criden on January 18, 1980?

A I know I called him around that time.

MR. BEN-VENISTE: I would ask your Honor for the jury to hear 3500-231. It should be ready to go.

Q Let me show you 3500-231, the transcript. Do you have the original of that?

(Pause.)

MR. PUCCIO: We didn't know the tape was going to be played.

MR. BEN-VENISTE: I advised the agent before the break, your Honor.

THE COURT: Are there any others?

MR. BEN-VENISTE: No.

THE COURT: How long is this one?

MR. BEN-VENISTE: Only two or three minutes.

THE COURT: All right.

Q Showing the witness 3500-231A, would you take a look at that please, Mr. Weinberg?

A Yes.

Q I ask you if that appears to be a transcript of a telephone conversation you had with my client Mr. Criden January 18, 1980?

A That is correct.

MR. BEN-VENISTE: May we play the tape, your Honor?

THE COURT: Play it.

MR. BEN-VENISTE: We will supply a transcript as soon as we can get the Xeroxed, uour Honor.

THE COURT: Have them for the jury tomorrow morning.

(Tape played.)

Q Mr. Weinberg, did you hear a Jewish or Yiddish expression on Page 4 of that transcript?

A (No response.)

Q Where it says, okay, inaudible, name?

A Not really.

Q You didn't hear one?

A No.

Q Did you hear the word Haimeshe?

A No.

Q Do you know what that word means?

A No.

Q Did you make out you were Jewish during this ABSCAM --

A With a name like Weinberg, what do you want me to be?

Q I take that for a yes. That was your real name?

A Yes.

Q You knew Mr. Criden was Jewish?

A I presume so.

Q But Mr. Cohan was not the real name of the next agent who came along?

A I don't know.

Q You said it was a fictitious name?

A That is correct.

Q You knew it was fictitious?

A Yes.

Q You thought it would be pretty good, a pretty good idea for another man with a Jewish name to come along to help relieve the Fat Arabs of their money?

A That is not true.

MR. BEN-VENISTE: Nothing further.

MR. CACHERIS: May I show the witness Court Exhibit 14, your Honor?

THE COURT: Yes.

RECROSS EXAMINATION

BY MR. CACHERIS:

Q Look at Court Exhibit 14 and tell the jury what it says here?

A Compensation paid to Mel Weinberg.

Q I want to direct your attention to the date --

THE COURT: I don't think the document is in evidence.

MR. CACHERIS: It's not in evidence.

Q 10/17/79, they're all in the left hand corner. Do you see that?

A This here (indicating)?

Q Yes.

Is this what they said it is?

Q Yes.

A That is right then.

Q You're looking at the expense you received, $1989.65?

A That would be correct.

Q Turn to the next page and tell the jury how much you billed the FBI for your personal clothing?

A 1021 you're talking about?

Q Right.

A $635.58.

Q Did they pay that?

A Yes.

Q On October 21,1979, how much did you bill the FBI for your clothing?

A $113.48.

Q Did they pay that?

A Yes.

Q On November 19, 1979, turning to the next page, how much did you bill the FBI for your clothing?

A $336.44.

Q On the first of -- 11th of January,1980, how much did you bill the FBI for your personal clothing?

A $541.84.

Q They paid all of these?

A Yes.

Q Looking at that Exhibit 14, that is a break-down of the expenses that you spoke about yesterday, is that correct?

A If you say so, I haven't seen it.

Q You are verifying all the clothing figures?

A What is here.

Q Do you have any doubt?

A If they got it it must be true.

MR. CACHERIS: That is all I have.

THE COURT: Anything else?

MR. BEN-VENISTE: May I ask one more question?

THE COURT: All right.

RECROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, you knew, did you not, in connection with the Philadelphia aspect of this investigation in January that the purpose of calling Mr. Criden would be for Mr. Criden to try to bring in Mr. Myers to another meeting in Philadelphia?

A No, I did not.

Q You didn't know Mr. Myers was going to be sought for again?

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A No, I didn't.

MR. BEN-VENISTE: Nothing further.

THE COURT: Thank you, Mr. Weinberg, you may step down.

Next witness.

MR. PUCCIO: Michael Wald.

* * *

* * *

M I C H A E L W A L D, a witness called herein, was sworn by the Clerk of the Court and testified as follows:

THE CLERK: State your name and spell it for the record.

THE WITNESS: Michael Wald, W-a-l-d.

THE COURT: All right, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr.Wald, you ar a special agent of the Federal Bureau of Investigation, is that correct?

A Yes.

Q How long have you been a special agent of the FBI?

A Eleven years.

Q Are you assigned to any particular office within the FBI?

A Philadelphia Division.

Q For how long a period of time have you been assigned to the Philadelphia Division?

A Approximately ten years.

Q Now,during January of this year, did you have occasion to act in an undercover capacity with the FBI?

A Yes sir, I did.

Q Would you tell the Court and jury what role you played in this undercover capacity?

A An individual by the name of Michael Cohan, a representative of some gentlemen from the Middle East.

Q Now, while you were acting in this undercover capacity, did you have occasion to meet with Howard Criden?

A Yes, I did.

Q Did you meet with Mr. Criden on the 24th of January of this year?

A Yes, sir.

Q Where?

A Barkely Hotel in Philadelphia.

Q Did you also on that day meet with Congressman Myers?

A Yes, I did.

Q In your undercover role, who was your employer?

A Two gentlemen from the Middle East, both Sheiks, Yassir Abeed was one -- the only one I mentioned.

Q Could you describe to us -- withdrawn.

Was the room in which you met with Mr. Criden and Congressman Myers at the Barkley Hotel in Philadelphia outfitted with equipment capable of producing a video tape?

A Yes.

MR. PUCCIO: Your Honor, I have available, unless stipulated, the FBI technical person who made the video tape.

THE COURT: Any need to qualify the tape?

MR. BROWN: There is another objection we would like to make. It may have slipped --

THE COURT: Is there an objection?

MR. BEN-VENISTE: I would like to see the expert.

MR. DUFFY: Yes.

THE COURT: I will hear the objection at side bar then.

* * *

* * *

THE COURT: Do you want to have Mr. Walsh step down at this point?

MR. PUCCIO: Yes. We will interrupt his testimony ask the technical witness to come in.

THE COURT: All right. Will you step down, Mr. Walsh?

(Witness excused.)

J O S E P H G M C Q U I L L A N , called as a witness, being duly sworn by the Clerk of the Court, testified as follows:

MR. PUCCIO: May I proceed, your Honor?

THE COURT: Proceed.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. McQuillan, you are a special agent of the FBI assigned to the Philadelphia division; is that correct?

A Yes, sir.

Q Do you have any special assignment within the FBI?

A I do the technical work in Philadelphia.

Q Now, were you on duty as an FBI agent on the 24th and 25th of January of this year?

A Yes, sir.

Q Did you have occasion on both of those dates,

sir, to make tape recordings of the Barclay Hotel in Philadelphia?

A I did.

Q I show you -

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Exhibit 7B and 8B and I ask you to identify them.

A 7B is an original evidence envelope that contains the tapes that we conducted on Howard Criden and Michael Myers.

8B is an original tape envelope containing a tape on Michael Myers.

Q All right. Now, with respect to 7B, that's the videotape; is that right?

A Yes, it is.

Q In fact, they are both videotapes?

A Yes.

Q And was the -- withdrawn --

Where were you located at the time these tapes were made?

A In a room adjoining the main room where the meeting took place.

Q On both of these occasions through the use of

electronic equipment did you make these taps?

A Yes, I did.

MR. PUCCIO: Your Honor, I offer both exhibits into evidence.

THE COURT: Are you through with questionining the witness?

MR. PUCCIO: I think --

THE COURT: Just for voir dire or examination. That's all.

MR. PUCCIO: I might want.

MR. BEN-VENISTE: May I, your Honor?

THE COURT: He may have one more question.

MR. BEN-VENISTE: I am sorry.

DIRECT EXAMINATION

BY MR. PUCCIO: (continued)

Q Was there a backup audio recording made in connection with the tape -- videotape recording on the 24th of January?

A Yes, there was.

Q Do you have it with you?

A No, I don't.

MR. PUCCIO: May I have a moment, your Honor?

May I have this marked as -- may I approach the witness?

THE COURT: Yes.

MR. PUCCIO: Your Honor, I would like this exhibit marked as 7C.

THE COURT: All right.

THE CLERK: So marked as Government 7C.

Q I show you Exhibit 7C. I ask you to identify it.

A This envelope contains two reels of the original audio tape on January 24, 1980 containing conversations of Howard Criden and Michael Myers.

Q Now, this tape is made with different equipment; is that right?

A Audio recorder as opposed to a video recorder. Yes, sir.

Q It's made simultaneously with the videotape; is that right?

A That's right.

Q Did you also make that tape?

A Yes, sir, I did.

Q Now, is there a portion on that audio tape that is not contained in the two videotapes of the meeting of the 24th? That is, Exhibit 7B?

A Yes. That's right.

Q That would be a portion when the two reels are

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changed?

A The videotape lasts for approximately an hour. And this meeting lasted almost two hours. Therefore, we had to change the videotape. The audio tape kept running while we changed the reels.

Q So that the audio tape fills in a gap that was made when the videotape machine was -- when the reels on the video machines were being changed?

A That's correct.

MR. PUCCIO: Your Honor, I offer that exhibit in evidence as well, only insofar as the portion is concerned that fills the gap between the two videotapes.

THE COURT: The rest is duplicative.

MR. PUCCIO: The rest is a duplicate.

THE COURT: So you are offering 7A, 7B and 7C.

All right, cross-examination.

CROSS-EXAMINATION

BY MR. BEN-VENISTE:

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

MR. BEN-VENISTE: May I question from here?

THE COURT: If it helps you.

MR. BEN-VENISTE: Thank you, sir.

Q 7C is contained in an envelope, sir, with a big evidence sticker around it; is that correct?

A Yes.

Q And would you explain to the jury the procedure at the FBI for maintaining records such as this evidence?

A The individual who takes the tape off the machine fills out this envelope and accepts custody in the first block, releases custody in the second block to the right. And the person who then receives custody signs his name and the reason in the block on the left below that, and so on down the envelope.

Q Would it be fair to say, sir, that in each of the exhibits that sit before you, 7B, 7C and 8B, the same procedure was followed?

A That's correct.

Q And,indeed, that is pursuant to some pretty strict FBI regulations concerning the maintenance of evidence?

A As far as Philadelphia is concerned, yes, sir.

Q You have certain rules that are unvarying about how you treat this evidence?

A Any evidence is -- we have to maintain a chain of custody on any type of evidence. Yes, sir.

Q And if I understand you correctly, as soon

as that tape was taken off the machine, under your procedures it was logged in and dealt with in a way that conforms to a fixed procedure?

A That's true.

Q Now, with respect to the actual videotaping, this occurred in the Barclay Hotel in Philadelphia?

A That's correct.

Q And that is in a pretty fashionable neighborhood, is it not?

A It's down Center Street.

Q High rent?

A High rent district, yes.

Q The suite -- you had an opportunity to see it, of course?

A That's right.

Q How long in advance of the time that you operated your camera on the 24th and 25th did you have to work there?

A Installing the equipment?

Q Yes.

A Somewhere between two and four hours.

Q So on the very same day you had the meeting, you installed the equipment?

A That's correct.

Q Would it be fair to say that in this case the cameras were focused through some ventilation ducts?

A Yes.

Q And there were some limited scope of the cameras, was there, within the room?

A Yes.

Q So when that -- when the jurors see this film tomorrow, they are going to see it circumscribed; is that correct?

A See what the camera saw, yes.

Q You trained the camera so that it would focus on a sitting area within the suite?

A That's true.

Q It was a suite, was it not?

A Yes.

Q The most expensive suite in the hotel, was it?

A I couldn't say that for a fact.

Q Pretty sumptious?

A It was a nice place.

Q And were there other people in the room adjacent to the room that was going to be filmed?

A Yes.

Q Yours and who else?

A Another agent that does what I do. We had another agent there to help us install the equipment. The special agent in charge was in there. One or two prosecutors. Another two or three agents.

Q Do you remember who the prosecutors were?

A Mr. Vervonti (phonetic) and Mr. Penrose.

Q Would you tell the jurors whether those two gentlemen were prosecutors from the Office of the Eastern District of Pennsylvania? That is, Philadelphia as opposed to New York?

A They were.

Q And this operation was being run out of Philadelphia at that point?

MR. PUCCIO: Objection. Irrelevancy. Irrelevant, your Honor.

THE COURT: I will let him answer. Overruled.

Q You may.

THE COURT: You may answer if you know.

Q From the standpoint of the prosecutor's office - I'm not talking about the FBI now.

A It is my understanding it was in conjunction with the case in New York.

Q But the prosecutors who were running the case, as far as you know, were from Philadelphia?

A They were.

Q Okay. Now, you were also -- in addition to the cameras, you had some hidden microphones in that suite as well?

A That's right.

Q I think we have heard some testimony that microphones -- well, you tellus where the microphones were -- when the jurors look at the film, where will they not see a microphone? Where are they hidden?

A They were pinned in the drapes on either end of the couch.

Q Some gentlemen were sitting on the couch?

A Yes.

Q And the instructions were to have the people who were not agents sit on the couch?

A I don't remember anything like that.

Q Were there going to be some stage directions so the faces of the Congressmen and Mr.Criden would be seen as opposed to those of the agents?

MR. PUCCIO: I object, your Honor, as to form.

THE COURT: Overruled.

THE WITNESS: The camera was set up in such a way that we tried to get everyone in the picture.

Q Is it fair to say that some -- you get a front

face and others are going to be shown in the film in profile?

A Well, I'd say we had three-quarters of Mr. Wald there and Mr. Haridopolos. Probably just had the side of his face. Profile, yes.

Q How about Mr. Criden and Mr. Myers?

A We had a frontal view.

Q And when you set this up, I take it, you told Mr. Wald and Mr. Haridopolos, look, have the two other gentlemen sit in these particular seats?

A I don't recall doing that.

Q Did you go over it with Mr. Wald or Mr. Haridopolos was your camera arrangement was going to be?

A I remember we moved Mr. Haridopolos' chair over to the left a little bit so that it would be encompassed in the scope of the lens.

Q You had even essentially taken their places to see whether your cameras were going to get them once you started it running?

A I could tell without them taking their place. If I didn't have a chair in the picture, we wouldn't have a person.

Q I see. Did you do any kind of a run-through to make sure your equipment was working and so forth?

A We conducted a test on the microphone to

make sure that the microphones were working. Yes.

Q Is it fair to say that every precaution was taken by you to make sure that the entire conversation was recorded?

A Yes, sir.

Q And is it also fair to say that, to the best of your knowledge, the whole conversation was recorded?

A Yes, sir.

Q That's because even when the videotape ran out, you had a backup audio tape?

A That's right.

(continued on next page)

Q And you were -- you had the presence of mind -- you were careful enough to make sure there were no missing parts of the conversation?

A Yes, sir.

MR. BEN-VENISTE: Nothing further.

MR. CACHERIS: I have a few questions.

THE COURT: All right.

Mr. McQuillan, were the microphones or the backup audio on the same microphones as used for the videotape?

THE WITNESS: Yes, sir. They fed into the video machine and they were looped in the back of them into the audio machines.

THE COURT: All right.

Yes, Mr. Cacheris.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q The room that you were in, was it a bedroom in the suite?

A Bedroom and bathroom.

Q Aside from the bedroom that you occupied with your technical equipment, were there any other rooms occupied by any other FBI or prosecutorial personnel?

A No, sir.

Q And the number of people you described for Mr. Ben-Veniste, yourself and the few other FBI agents and special agent in charge and two prosecutors all were in the same room?

A Yes.

Q Did you have the ability to tape a telephone conversation in that room?

A I did not.

Q Did you have the ability to do so?

THE COURT: What do you mean by ability?

Q Could you tape a telephone conversation if you wanted to?

A If I had the equipment, I could.

Q If you had the equipment. And you are familiar with that type of equipment?

A Yes.

Q All right. Was there a telephone in the bedroom

A Yes.

Q Was the telephone frequently used to call in to participants that were being videotaped?

A It was used, yes.

Q Who used it?

A Mr. Virvonti and Mr. Best.

Q Mr. Virvonti is a prosecutor?

A Yes.

Q He was calling in to the agents in the room while you were videotaping? He was calling Mr. Wald and Mr. Haridopolos?

A I don't know whether he actually instigated the calls. It may have been Mr. Best. But I know he spoke on the phone once or twice.

Q Regardless of who instituted the calls, someone from your group, either Mr. Best, Mr. Haridopolos, spoke to the agents inside the room while the videotape was running?

A Yes.

Q That was not recorded?

A No.

MR. DUFFY: One or two, your Honor.

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. DUFFY:

Q You had monitors, did you not, in the room you occupied?

A Yes, sir.

Q So that you could see what was going on in the action room where Congressman Myers and Mr.Criden were talking with the two agents; is that right?

A That's right.

Q If something went wrong with the videotaping, you'd know it in an instant, would you not?

A Yes.

Q Because your monitor would show blank?

A That's right.

Q Is that right?

A Yes.

Q The phone calls that were made into the two agents in the room by the prosecutors, touched upon instructions from the prosecutors to the agents as to what to say or not to say; is that right?

MR. PUCCIO: I object to the form of that.

THE COURT: Overruled.

THE WITNESS: I don't know what the content of the conversations were, sir.

Q Because you didn't hear?

A I was busy monitoring what was going on, watching the levels on the recorders and I had a set of earmuffs on.

Q And because you didn't tape, isn't that right?

A I did not tape it, no.

MR. DUFFY: That's all.

THE COURT: Any other questions for Mr. McQuillan?

MR. BEN-VENISTE: No, sir.

THE COURT: Thank you, Mr. McQuillan. You may step down.

(Witness excused.)

THE COURT: Any objection to the exhibit on authenticity? We covered other objections.

MR. BEN-VENISTE: Not on authenticity.

MR. CACHERIS: No.

THE COURT: All right. Exhibit 7B, 8B and 7C are received in evidence.

The next step would be to play them.

MR. PUCCIO: Yes, your Honor.

THE COURT: In view of the ones we have had as to the duration of the exhibits I think rather than stay here until -- looks like 6:30, we will recess and start off in the morning with these -- with these tapes.

During the recess, ladies and gentlemen, do not discuss the case among yourselves or with anyone else.

We will resume at 9:30 tomorrow morning.

I will ask the people to remain in the courtroom until the jurors have left the court house.

(Whereupon, the jury left the courtroom.)

(Whereupon, an adjournment was taken to Friday, August 22, 1980 at 9:30 o'clock a.m.)

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Witness	Direct	Cross	Redirect	Recross
MELVIN WEINBERG			2411	2461
MICHAEL WALD	2494			
JOSEPH G. McQUILLAN	2509	2513		

EXHIBITS

Court Exhibits		Ident.	In Evid.
14	Copies of breakdowns of payments to Mel Weinberg		2410
Government's Exs.			
7C	2 reels of audio tapes 1/24/80	2512	

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UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of	)	
	)	Investigation Pursuant to H. Res. 608
Representative	)	
	)	
MICHAEL O. MYERS	)	

Appendix to Special Counsel's Preliminary Inquiry Report

Volume III

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

80 CR 00269

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 22, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICOZZI
OFFICIAL COURT REPORTER

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* * *

* * *

MICHAEL WALD having been previously duly sworn resumed the stand and further testified as follows:

DIRECT EXAMINATION

BY MR. PUCCIO: (continuing)

Q Mr. Wald, you indicated yesterday that in your undercover capacity you used the name Michael Cohen, C-o-h-e-n, is that correct?

A Yes.

Q Why did you use that name?

A We tried to use the same first name as our own and we had identification and credit cards in the name of Michael Cohen existing from previous matters so we used that.

Q Had you ever met Mr. Weinberg or spoken to Mr. Weinberg prior to January 24, 1980?

A No sir.

Q When for the first time did you meet Mr. Weinberg?

A A couple of weeks ago, here in Brooklyn.

Q Now, in connection with your undercover activities in Philadelphia, you had a cover story, is that correct?

A Yes.

Q What was it?

A That as a representative of one of two sheiks I was in the City of Philadelphia to invest money based on some statements that had been made and relayed to me had been made by Congressman Myers concerning investments within his district, within the City of Philadelphia.

Q Was there any particular investment project that you mentioned?

A A hotel complex.

Q Now, was this meeting on January 24, 1980,

your first meeting with Congressman Myers?

A Yes.

Q You never met with him before that day or had spoken to him?

A That is correct.

Q On this tape we are about to see, there is a meeting with Mr. Criden first, before Mr. Myers comes in, is that correct?

A Yes.

Q Did you have anything to do with setting up -- withdrawn.

Did you personally contact Mr. Myers prior to any meeting to set it up?

A No sir.

Q Was there anyone else present at this meeting other than you, on the 24th, other than you, Criden, and Myers?

A Yes, another Special Agent.

Q What is his name?

A Earnest Haridopolos.

Q What undercover name was he using?

A Ernie Poulos.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Government's Exhibit 7A and I ask

you to examine it and tell us what it is?

A It is a transcript, a written transcript, of the tape. Of the tape of that particular meeting we were just discussing.

Q Have you reviewed the tape of this meeting?

A Yes.

Q Have you compared it with the transcripts?

A Yes.

Q Is it accurate to the best of your ability?

A Yes.

Q This transcript only contains an exerpt of this meeting, is that correct?

A Yes.

MR. PUCCIO: Your Honor, I offer the transcript then I ask that it be distributed to the Jury.

THE COURT: Any objection?

MR. CACHERIS: No.

MR. PUCCIO: May we distribute the book?

THE COURT: You may.

MR. PUCCIO: May we play the tape?

THE COURT: As soon as the book is distributed.

MR. BROWN: Previous objections and -- perhaps I should come up?

THE COURT: You are requesting a limiting instruction?

MR. BROWN: Yes.

THE COURT: In addition to the caution I gave you a moment ago, keep in mind the limiting instruction I have given you with respect to the other tapes, we have been dealing with transactions here which involve only the defendant Myers. He is the only one present. Until I tell you to the contrary, you should use this only in connection with your evaluation of the case against the defendant Myers.

Mr. Criden is present too.

Mr. Errichetti is not present nor is Mr. Johanson.

MR. PUCCIO: Did you say only against Myers?

THE COURT: I corrected that. Myers and Criden are present.

Errichetti and Johanson are not.

MR. PUCCIO: May we play the tape?

THE COURT: Yes.

(Tape played.)

MR. PUCCIO: Your Honor, we are going to play the audio that was introduced in evidence, or that

portion that fills in the gap.

THE COURT: That is the part where the first reel of the video tape ended? You have the audio?

MR. PUCCIO: It continues for a short period and then we go back to the second reel.

THE COURT: Alright.

(Audio played at this time.)

MR. PUCCIO: Now we will go back to the video.

(Tape played.)

[Exhibit 7A: Transcript of Videotape and Audio Tape Exhibit 7]

Date: January 24, 1980

Time: 9:54 P.M.

Place: Barclay Hotel
Philadelphia, Pennsylvania

Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)
HOWARD CRIDEN (HC)
ERNEST HARIDOLOLOS (EH)

INAUDIBLE (IA)

* * *

HC: This guy that you're gonna meet with in a few minutes, ah, let me give ya a little bit of background.

MW: Okay.

HC: I don't know if you know his background, Do ya?

MW: I know who, what his is, as far as his, ah, you know, I've known you've done business with him.

EC: Yeah.

MW: ...on a substantial basis.

EC: Yes.

MW: ...And I know, ah, his titles, positions.

EC: Okay. He replaced the guy who was Congressman William Barrett. Congressman Barrett was an old, was a Congressman I guess longer than almost any guy that ever worked, lived, what, you know, served in Congress. And was a most unusual guy, was a little backward guy, wore a very starched collar, always, never saw him without a, a starched collar. Stiff starch and a little...very thin tie, you know, immaculate guy. Never stay overnight in Washington in his entire life and served like 45 years in Washington. Okay.

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MW : That's incredible. Incredible.

MC : He would go every morning before there was plane service and take the train, or drive, or have somebody drive him, and go to Washington, and when it's done, the session, or whatever it was, he would drive home. he would hold court in his ah, and he's not a lawyer, was a ward leader. Had no other means of a livlihood except his political means. He would sit every night from 7 or 8 o'clock until midnight and nobody was denied access to him. The lowest Puerto Rican or a black guy that dug a trench wanted to see Barrett. He got in to see Barrett. He went in, got it to see, when he got in not if, when and he would sit till the last guy was sittin' out in the outer office.

EH : Okay

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HC: ...No matter, if he had talked to the President of the United States, a minute before he would still see that littlest guy. Okay. If he had a problem, Barrett would write it down, he would call ERNIE, tomorrow, this guy got a problem, you'll see that...

MW: Handle it...

HC: It's taken care of. Okay. Now, the next morning you would get a letter, in the mail ...(IA)...Dear ERNIE, was ah nice to see you last night, I...(IA)... so and so is handling your problem, we will make every effort to see that your problem is...

MW: Can't lose an election.

HC: You could have run the Ayatollah against him in Iran and this mother would have won. Nobody ever ran against him. Okay. This guy, people literally, there was nothing...

MW: How'd he make a livin'?

HC: He lived very quietly in a row house he took...(IA)...

Okay and BILL would say HOWARD it's goin' to cost you "X" amount of dollars.

~~UM:~~ BILL...(IA)...

MW: Up front guy....

HC: ...And he'd get the job done.

MW: I understand that, that, ah Mr. MYERS is up front.

HC: Up front. That's what I'm givin' you ...IA...

MW: I, I mean he and I can can have a byline. I don't have to fence with this, this fellow.

HC: No...

MW: I've been told by, by others that he he's the guy to deal with...

HC: He's a super guy.

MW: ...Makes life easy.

HC: He's a longshoreman...

UM: ...(IA)...

HC: ...And he mingles...(IA)...Okay. Grew up the hard way.

MW: Well, so did this other guy.

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HC: Yeah. But...(IA)...

MW: Okay.

HC: Okay. He has acquired

MW: ...(ZZR)... [illegible]

HC: That's right. He knows how to handle himself. He knows how to dress and he knows he runs with a little broad once and awhile, okay. And he's got the class already. He's, he's mingled with the high ...(IA)... of Washington a little bit and a little has rubbed off on him.

UM: Okay.

HC: But he's still basically the street fighter. No problem.

MW: He's happy with us, or he wouldn't be coming here...(IA)...

EH: Ah, I, ah I was at ah at the airport, remember when ah, OZZIE met ah TONY.

MW: You met him. You've met him.

EH: No. I never met him. I just was downstairs. You know it was one of those things. I had to go downstairs. I didn't see you around.

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RC : I was there.

EH : You were at the airport that day? I didn't see you. Ah, ah, ya...when ah... (IA)...

RC : That was my first one...

EH : What...(IA)...

UM : Okay.

EH : I thought it was...I thought it was, who do you call it...

RC : ...(IA)...brought

EH : Yea, ANGIE brought

RC : But where do you think ANG got him from?

EH : Yeah. From you.

RC : Okay.

EH : But, but...(IA)...you weren't there.

RC : I didn't go up to the room, no, I, I brought him up to New York.

EH: And I didn't see ya in the lobby, because I was sittin'...(IA)...

HC: No, I was just at the airport.

EH: Oh. I don't know how he got there, I don't know whether he drove up or, did he fly up that day?

HC: No, we took him up.

EH: He drove up?

HC: The other guy flew up from Washington ...(IA)...

EH: Ah, ah, the other...

HC: The other guy...

EH: Yeah, I saw you, you...we, we sent the drink over to you. Ah, ah...

HC: ...Yeah, that's right...

EH: ...If you remember...
...(IA)...
ah, ah, and like I say ah I was, I know that, from the way it all went down, ah, that you were there.

HC: This guy took BARRETT's place.

MW: Uh-huh.

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HC: Okay. And he's, operates, not exactly like BARRETT, but he's trying to emulate, to a certain degree, that's the reason I give ya that background history.

MW: BARRETT retired.

HC: BARRETT died.

MW: In office?

HC: Yes. You...(IA)...couldn't have, You couldn't have beat BARRETT. Okay. I don't care who it was. You could have spent 10 million dollars in that district, you couldn't beat BARRETT. There, ah, ah elections came and went and they never even, the Republicans never even slated a candidate against him.

MW: Do you have any Republicans in the city?

HC: There is one powerful Republican in the city, a guy by the name of BILL MEAD.

Okay.

I'm sure you've heard his...

MW : The name's been mentioned to me.

HC : But, he's the republican, he's the, he's the leader of the Republican Party in the Ciyt of Philadelphia. He's a lawyer. Nice guy. (IA). His father was the, the. This use to be a Republican town. His father was the Republican boss in this town. The absolute unequivocal boss. And if he said it's black, it's black, and nobody would fight. His name was AUSTIN MEAD and he was the sheriff of the city. Great big heavy-set Irish guy,

MW : Okay...

HC : This is his son. Ah. Super guy and he words, he's, now the loyal minority of the loyal opposition.

MW : Does he hold may type of position, other than a...

HC : ...Ah, he..not in the city wide, no ah he holds a position, held some positions in the State Government, he

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was on the Turnpike Commission, some honorary bullshit.

MW: Is there anybody that, that we should be dealing with in the State Government. I know we've got a we've got liquor licenses to deal with. I know we've got that type of thing ah, ah...

HC: The State Government ...(IA)...right now : also in a very you know, it's a republica: administration.

MW: I'm aware of that. I'm aware of that...

HC: Governor Thornburg.

MW: And I'm aware of that man's former position.

HC: That's right. U.S. Attorney.

MW: But I'm also aware that ah, he had ah make appointments and certain appointments, especially in Eastern Pennsylvania...(IA) ...

MC : Normally, it would be cleared by Mr. MEAD. Okay, but not all of them have. And he thinks Mr, the Governor is an asshole.

(Door bell rings)

MC : ....(IA)....OZZIE?

MM : Yeah. Hello. HOWARD...(IA)...

MC : How the hell are you buddy?

MC : Say hello to MICHAEL COHEN.

MM : MIKE, how are ya?

MC : This is Congressman OZZIE MYERS.

MM : Congressman, how are ya?

MM : My pleasure MIKE.

MC : This is, this is ERNIE...

MM : Hi ERNIE.

ER : OZZIE, I, I saw you one time during the summer, but you look a little different.

MC : He's grown a mustache.

ER : ....(IA)....

MC : Yeah...(IA)...He's grown a mustache.

EH : Wasn't your hair curlier?

MM : Yeah. Same hair.

EH : Yeah.

MM : Couldn't change that.

(Laughter)

HC : So, when did you start with this?

MM : I was away ah during the second week of December, on a hunting trip...all right. So, I decided to ah, I wouldn't shave for a few days. (IA)...

HC : You look good.

MM : ...(IA)...I tried. I, I came home and everyone likes it, so I decided to try it for awhile.

HC : Did you ah...

UM : Let me get you a drink.

MM : Ah okay...(IA)...

EH : Scotch, or, or a...

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MW : Scotch and there's some ah Jack Daniels over there.

UM : I'll take some Bourbon on the rocks.

EH : Okay.

UM : Was it snowing in Washington?

MW : ERNIE take care of this.

MM : Occasionally, ya know...(AI)... ah it was a heck of a time. I was originally scheduled on 5:40 then I was on a 6:35 and then 6:59. Finally...(IA)...7:20...(IA)... I had to stop at Palumbo's. I had office hours. I have a meeting yet after this.

MW : Okay...(IA)...

HC : I was telling MICHAEL about BILL BARRETT. ...(IA)... How he never spent a night in Washington... (IA)...

MM : For 30 years and he didn't spend one night.

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MW : ...(IA)...that's incredible.

MM : I just heard a new story about BARRETT the other day.

UM : Is that right?

MM : BARRETT had a place down in Margate and he was so secretive, he didn't want anybody to know that he had a place down there. Of course, it was in his daughter's name, and he went out to a hardware store and purchased one of these ah name plates that you put on your lawn, you know, a little animal, and...

UM : Yeah.

MM : ....(IA)....

UM : Yeah.

MM : Little... Some kind of a figurine to hold the name place, you know. He put (IA) COOPER on his lawn. (laughter)

UM : Right out of the phone book.

HC : He's an unbelievable guy.

...(IA)...

Is there some plain club soda there or ah?

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ER: Yes.

HC: That's super. I love some of that if I may please.

MM: Can you imagine that? Name of COOPER...(IA)...

HC: He was an unbelievable guy MIKE. Unbelievable guy. I was telling MIKE how he held court every night.

MM: Right.

HC: He waited to see everybody.

MM: Ah that's a, that's, you know I had a following, guy like BILL BARRETT was a, is very difficult...(IA)...

MW: Tough act to follow.

UM: Ah unreal.

MM: So I ah, you know, that's how I'm into these night office hours. No other member of Congress in the nation has night office hours. It's unheard of today with all the...

HC: He can't break that precedence. ...(IA)...

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MM: I'm down scaling it. I started out with three nights a week and I'm down to two and once I'm through this next primary, I'll be down to one night a week.

MW: Cuts on the social life.

MM: Ah, it's, it's, it's, it, it, you just can't do it today. You can't be in Washington and be coming home to night office hours.

MW: Right.

MM: Now I can see when we're not in session, you know, I'm gonna try to change the whole image gradually. Now what I want to get into is ah town meeting and things like that. I'll go to West Philly to a town meeting and ah go up into Overbrook. Just do a ...(IA)...and have a school hall o something and just ah open, open forum type meeting. You know and take on a problems at once. Have enough staff that would handle that kind of stuff with that individual. Like on

social security, veterans problems and all that. And just talk about issues. I think, that you, ya know you do that and ah once or twice a month and your better off than gettin' ...(IA)... office hours.

I have people that come to see me.

EC: Thank you.

MM: ...This is no lie, and ah if I get delayed in Washington, and I can't come in that night, like tonight for instance, I ah you know, a tough time getting out of Washington because of the scheduling. Ah they'll just won't talk to any staff, like it's secretive, you know, this big problem that they have...

EC: It's usually nothing but they need a little favor.

MM: Yeah. Sure.

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EC: Somebody...(IA)...

MM: ...(IA)...will he be here Monday? Well, I come back Monday. Now, they'll sit there, ah, ah, an hour sometimes, two hours waiting to tell a staff member that they'll ah be back Monday.

UM: ...(IA)...

MW: That's loyalty.

EC: And...But BARRETT...

MW: He had 'em all trained.

UM: He had 'em trained.

MW: ...conditioned...(IA)...

EC: He's tryin', it, it, it's impossible for him to get out of that image.

MW: He's got to win next time too.

EC: Well, he's not ...(IA)... problem...he couldn't lose if he tried.

MW: Let me tell you why I wanta meet ya, and I, and I did, I, I was instructed to first of all...

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UM: ...Right...

MW: I'll be right up front with ya. I was instructed to because of etiquette. He said you're in Philadelphia ...(IA)... Your representative, if you have the opportunity, the man can see you, please see him. To me, that seein' if at all possible. So...Ah, we take care of that. Ah, the Arabs have a word, Mouckta (Phonetic) right meaning "balls". Right. The man thinks you have a sizeable pair of balls. (Laughter)...

MM: Mouckta (phonetic), huh? (Laughter)...

UM: ...(IA)...

MM: I will, I will remember that.

MW: The gentleman who gave it to me is, is different, ah...

EC:

MW:

We made an impression.
Yeah. You did. Ah, he's been led to believe that the...you're the gentleman, he, he puts his faith in, that, that he can deal with and he's happy with and feels very secure... Ah, ah I spent some time in, in D.C., ah earlier this week and received news which has been relayed back and ah the situation, ah that you discussed with our other associates, ah, is worsening. It really is. And I Personally feel from what I've learned recently that ah my employer has a very short period of time to remain where he is.
Ah can you give some short, brief overview, a quick education, on what's gotta happen if you receive a telephone call that he's gonna come over here with his passport on a visa and get into this country. ah...

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MM: Well see like I had to explain the, back then, ah the problem you have, that I see, it's depending on who this individual is and, you know, what kind of heat is on this or if there's any, and I don't know...

MW: He is friendly, he is friendly. Ah, we're not dealin' with ah...

HC: ...Communist...

MW: ...Communist individual we're dealin' with somebody who's, who's so steep in free enterprise that ah Alexander Hamilton would have been proud.

Unc HC: (Laughter)

MW: I mean this is, petro dollars by by millions, he's free enterprise, it's his thing, right. America is a shining light in the Statue of Liberty, but he likes to bypass the Statue of Liberty and come to Philadelphia.

MM: We'd like to have him.

(Laughter)

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MW: And I think that one of the reasons that he wants to come here is the the impressions that he's received, ah probably because of you. For him to use that word, a word that is not used very often over there, it's substantial. Ah, faith...

...(IA)...

MM: Well, you know, each individual that I deal with, dealing with the State Department and immigration matters, ya know, they're each individually handled. And I had ah made ah...made it known that I have some friends in the State Department. But you're dealing, ya know, I don't know what the circumstances will be that day if that call rings. And more, hon, honestly, not to give you a short answer, I'll have to take it from that, from that point to see actually how I should handle it.

MW: Okay.

MM: Ah, Now I had made it well known then,

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that I, I liked it, if there was ah investments in the city.

And I have a, a...

MW: ...(IA)...

MM: ...Just an open reason to be very...(IA)...

MW: That's a point two, that's point two, I'm...(IA)...

UM: ...(IA)...

MM: Ya know I had made that clear then. Ya know. Ya know. Give me a reason to be vocal, I'm not, ah, I have no reason for someone I don't know that's...

MW: I'm in the city, today...

MM: Yeah. But ah the point, you're talking about...

MW: ...(IA)...Those comments, those very same comments that you made.

MM: All right.
That's very important.
Also, now I've talked to some people.

UM: Yeah.

MM: About that, and ah, I would think that ah, does this gentleman speak English?

MW: Ah yes, he gets by, but he knows ...(IA)...

MM: He should, he should take, ah, I was advised that he should take some crash courses in English. To get by better, that's very important at this time.

MW: Let's...(IA)...put it this way. He understands everything you say to him. The man does not verbalize ah what he's thinking. These are sharp people...

MM: Well, but I'm saying...(IA)...

MW: You know the image of the guy on the Arabian steed...

UM: Yeah...(IA)...

MW: ...crashing through the desert and picking up the girl and throwing her on the back of the horse right, is nonsense...Ah you know, they're shy, retiring type individuals,

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and he understands everything.

MM : Okay...(IA)...

MW : He just does not verbalize ah, and if he knew English as well as any of us, he ah, he still does not verbalize his, his thing.

...(IA)...

MW : That's what he needs.

MM : I would have him take some private...(IA)... Get a tutor, get him some private instruction and make a record of it with a legitimate outfit. That's important. Because he wants to come here. He wants to learn the language so he can...

UM : Ah...(IA)...

MW : ...(IA)...Introduction of a bill. Private legislation.

MM : Yeah, I could do that, but if I had a reason to do it, I can do it.

MW : Fine. We'll get into that. We'll give ya reason to do it.

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MM: All right.

MW: We'll back you with whatever you need.

MM: All right, good enough.

MW: All right, so when you stand up, that was pointed out to me, by these other individuals exactly how you feel. And that's ah, ah, you can uphold your end of ah, of the the business arrangement all right, if you look good.

MM: Uh-huh...

MW: All right. From a very basic level. And we can make you look good in any direction you need, you need to look good.
All right...(IA)...
HOWARD is well aware...

HC: ...Right...

MW: ...Right...of, of the kind of financial ah situation we're in...

UM: ...(IA)...Okay.

MW: It's very good.

HC: Wide open...(IA)...

UM: Let's get out of that.

MW: Let's talk about that.

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HC: Let's talk about it, and we've been talking about that the last couple of days.

MW: All right. I, I arrived here ah last week and HOWARD ah, ah, set up some appointments with ah with individuals in municipal government for me, the last few days. And I've dealt with what I have been told and my researchers confirmed are very powerful important people within the municipal government.

UM: Uh-huh...

MW: Okay. I don't know if...(IA)...

MM: ...(IA)...

HC: No we have not.

UM: ...(IA)...

HC: Just the telephone conversation this morning.

MW: Ah the sheik is interested in putting up a hotel/motel type complex. 34.6 million dollars was the figure given

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to him. All right. For what he envisions. Ah that is the figure, that was put together based on the plans at that time.
At that time is like two weeks ago. Ah we break ground in April and we still got ah an increase of probably 1.2 from now to April, we've been led to believe. So, the, the dollar values are no problem at all.

MM: Uh-huh.

MW: Figures are not problem. Financing is no problem.
I've been led to believe by the gentlemen I've met with that, zoning is no problem, that variances are no problem...

MM: That, that's...I can help you with, you know that's, that's no problem...

MW: ...(IA)..Labor and industry.
Okay.

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MM: Now, would you be able ah would it be fair to me to go back and say ah Mr. MYERS has stated that ah he can use his office to help in those, in those, I noticed you're not on on a municipal level, your level is higher.

UM: ...(IA)...

MM: ...I'm more than happy to. See, the one thing I, you got to understand about this new, this new Mayor, that just came in, and his administration, They're at this point in time, now at least from the dealing that I did with them, they're straight laced and, you know, you got to be very careful how you deal with them.

HC: You're talking about the Mayor ...(IA)...

MM: Talkin' about the Mayor and...

HC: ...(IA)...

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MM: ...His close advisors. I'm talkin' about the ah, you know the new management director, for instance...

EC: All right.

MM: ...You couldn't talk to him the way you could talk to me.

MW: The managing director is a black man.

EC: WILSON GOODE.

MM: WILSON GOODE

EC: ...(IA)...black guy.

MM: ...And obviously, you'll probably talkin' with DICK DORAN, who knows, you know, he's interested in bringing business to the city. They're very interested in that.

MW: There's no way I, there's no way I can do business with those two individuals as with the way I conducted business in the past. Is that it?

MM: That's exactly it.

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MW : Now Mr. DORAN is the...(IA0...

HC : Mr. DORAN is the uh, the puplic, the City's representative. Okay. He's the guy...

MM : ...The Commerce director.

HC : (IA)...

MW : The hype guy...(IA)...

HC : Yeah. Okay. The public relations guy, so to speak. He's interested in the community, the business community.

UM : Okay.

MM : Very interested in what you're speaking of...

HC : Oh yeah...

MW : Bypass these two, I would imagine through I mean, we've...

HC : Bypass them because there is no way that we could do anything...(IA)...

MM : Okay now, you, you obviously you want to deal with City Council President who is a guy that you know, I would think...(IA)....

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That you could deal with, you know, I can deal with him. And I'm sure ...(IA)... other people ...(IA)... here, very, very reasonable guy understands this business probably better than any of us. A sharp guy. Very sharp. My close friend.

UM: Yeah.

MM: In the zoning board again that would be no big problem. And I'm very...

MW: You can, you can help...(IA)...

MM: I can help with the zoning board.

MW: ...(IA)...Be a fair statement ah, oh to the sheik, that you that you're willing to do that as well... You know...

MM: ...Absolutely...

MW: That you're on our side in that direction.

MM: Absolutely.

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MW: Ah, we were considering South Philadelphia which is your district . right?

MM: That's me.

EC: (Laughter)

MW: For that complex...

MM: That's me...

MW: Okay and I'll...

MM: I give you some good, good builders too...

MW: ...Give you this reasoning why. (Laughter) I'll give you that, I'll give you the reasoning...

MM: Go ahead.

MW: Behind that. Ah, he has had dealings in Atlantic City. Those dealings are, are being continued at this point. Ah we don't have any real difficulties in doing a gambling situation in Atlantic City, but we do

FBI

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see a real problem with major hotel construction in Atlantic City.

UM: Okay.

UM: Well I...

MW: Because of what's going on there. I think we're more welcomed in Philly.

MM: Yeah. I do too, because you're in a... there...money's no object. You're dealin' in a, in a, in a, in a, you know a market place where they get money. They got all the money they could ever, you know, the concerns are looking to take Atlantic City over. You got a lot of people involved there that are you know, mafia type, they're involved with a whole different ballgame. The legitimate business and I think that's the direction he has to travel.

MW: Okay.

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MM: Atlantic City, in my opinion... hey it's a great place to go and get involved with it, if you here, established, but to come in you know and try to break in to that kind of a line-up would be difficult.

MW: We've made some deals.

MM: Costly... Ah obviously you know...

MW: ...(IA)...

MM: You can deal there...

MW: ...You know how we do business... ...(IA)...Up front right?

MM: ...And you can deal there. ...(IA)...Let me assure you, you can deal in Atlantic City...

MW: Right.

MM: Yeah, you know, but ah...

MW: A lot of its been dealt already. Right. We don't find a real problem with what we want to do there. When,

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when I was told to come down and negotiate a situation here in Philly, South Philly was pointed o : to me because of the fact that a, you have the easiest access to Atlantic City. There's a bridge there, you know... we're not, we're not on side streets, we're on main, thoroughfares. We're on situation. We get to Atlantic City in an hour from South Philly.
We can run ah New York-Vegas style junkets only by limo right to Atlantic City. From a complex, we can take advantage of the sports complex situation you have in South Philly. Right.

UM: ...(IA)...

MW: ...(IA)...Your project ...[illegible]...is there.

UM: Yeah.

MW: Ah

HC: You're speaking to the man ...(IA)...

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MW: We do, we done research. We're not totally naive. I don't know the City of Philadelphia. Take me two blocks from here and I'm lost. Ah I don't particular like the City of Philadelphia, it's not for me. I don't have to be here though.

MM: You don't know...(laughter)

MW: So I don't have to, I don't have to be happy here. There are so many places that I could be happy in, this isn't one of 'em. Ah

MM: You don't know the City. If you knew the City, you would like it.

UM: Yeah.

MM: ...(IA)... I could take you to right now to a show and club that you, you would think was great. Seriously.

MW: I don't know about that. (Laughter)... (...(IA)...)

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MW: (IA)...I've conducted good business here in Philadelphia and I'm happy. But how does that sound to ya?

EC: It's unimportant.

MW: ...(IA)...feasibility... I mean the ...

MM: Sure.

MW: Right. You be able to back it. Would that be the type of backing that you would require?

MM: Well that would certainly help me out.

MW: Okay.

MM: Something around that line would...

MW: ...Fine...

MM: Give me some interest in, in particularly my own area. Ah ya know.

MW: That would make you look better?

MM: Absolutely.

MW: ...(IA)...You stand up if this guy happens..

MM: I would like to, I would ah...

MW: ...(IA)...You're talkin' 30...you know 34.6. A lot of money.

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MM: Let me say to you. I would like to be in on the, you know be consulted about the, ah the location where you're goin', and so forth, so I could be in from the early stages.

MM: Do you have any properties we...

MM: Help to ah, yeah, I could maybe hold you find some ...(IA)... See ya talk about excursions to Atlantic City like using that as a convention center or a place, and then you know the the next day after the business is over you head down there for the day and have some kind of an arrangement. Well South Philly it's gotta be the greatest place of all. But I don't mean any kind of action, real action is downtown. You know any kind or gambling or anything like that is (IA...)

MM: ...(IA)...Yep, yep okay.

...(IA)...

Ex 7A

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MW: What else, what else...

MM: ...(IA)...operation.

MW: Do you envision any other type of business for us in South Philadelphia? This doesn't...(IA)...

MM: I have suggested that dealing with the port ah you know ah...(IA)...

MW: All right. all right.

MM: ...seriously but...

MW: If I could just do that it's... (clears throat) (Phone ringing)... Yes (Answering the phone).

MC: You goin' back tomorrow?

MM: No. We're not we, we don't that's why ...(IA)...we're running late tonight...(IA)...we finished up the ah final day off tomorrow, this session, but we will be back in Monday.

MC: Monday.

UM: Uh huh...(IA)...

MM: Did you take an Allegheny commute today?

MC: Yeah, I've been on that everyday of this week. (IA)

Ex 9A

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MM: Yeah. It is tough...

MC: ...(IA)...

MM: I was thinking of registration tonight. I was, sat at the airport, for two hours, waitin' on that fuckin' flight and I've come to a conclusion that I ~~edited this~~ OUGHT TO INTRODUCE legislation that says "if the commuter service has the...(IA)...amount of people, as the customers...

MW: ...(IA)...(In background) Okay right. If you're happy. I'm happy...(IA)...

MM: ...(IA)...Where they could run jets, they must do it.

MW: Okay (in background)...

MM: Now here's my thinking behind it. I didn't do any research. Just, just throwing it out. If you got these little commuters and all these major mishaps that have been occurring in the last couple of years, involve some little craft, off course, running into ah ...

UM: Right.

MM: some big traffic lane...

UM: Yeah.

MM: Now when you got a little commuter that has to go back, ah has to make six or eight trips, 28 people aboard, now ya got, ah to to fill up the capacity of one jet...

UM: I agree.

MM: Imagine the landing and take offs that's involved...

UM: Yeah...

MM: The safety factor.

MC: I, I would love to back that bill Oz.

(laughter)...(IA)...

MM: Yeah.

MC: Oh God...Gee...(IA)...that would take some balls.

MM: That would take some balls...

MC: Yeah...(IA)...I would...

MM: I would at least get that one in...

EX. 17

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UM: Ha Ha...

MW: When I talked about the, the limo type situation, on the junket package, inherent in any of that type, ah activity, are certain problems some of them maybe on the state level, some of 'em maybe...

MM: ...Well...

MW: ...Maybe ah...

UM: ...(IA)...

MW: ...Some may be an interstate situation.

HC: Sure will.

MM: Yeah.

HC: I could...

MW: ...(IA)...

Could you help us with that, could you even put me in ah, ah...

MM: I could help you with that...

MW: ...(IA)...

MM: Let me just say this to you. The guy that's gonna be very key in any kind of operation like that, in my opinion, and I'll tell this right now,

is JIMMY FLORIO. He's the Congressman from across the river. Now FLORIO . in my opinion, okay, will be the next Governor of New Jersey. That's what I feel about him.

HC: I would hear that, I would think, I've heard differently, okay.

UM: Okay.

HC: That's...

UM: ...Yeah, okay...

MM: Believe me when I tell you that he's got one hell of a shot, takin' that state OFFICE FOR GOVERNOR...(IA)... ...And he's my very, very close friend. I can assure you that.

MW: Should I have a problem with a limo thing or something...

MM: ...Na, we could handle that...

MW: ...Like that...(IA)...

MM: ...The main thing ...(IA)... that where you gotta...(IA)...union problem, ya know, particularly with

the construction unions here,
building trades, forget that that's,
we can handle that...

MW: Okay. All right, now...

EH: Can I just say one thing?
You know you said before about ah you know..

MM: Port development is something that
I think that ...(IA)...

MW: Yeah, well I'm gonna get into that.

MM: Go ahead.

MW: I'm gonna get into that...

EH: You ah said something before about
mafia type guys in, in Atlantic City.
Would we run into anything like this...

UM: ...(IA)...

EH: Here?...(IA)...

MW: ERNIE hold it. I wanna, I wanna
discuss another situation, which
could...

UM: Uh huh.

Ex. 7A

MM: ...Go and lend itself to a, it's it's going to bring up a question, a major question, that we're gonna have to deal with. Ah, down the road. Again ah well your city councilman, right, city council seems to be a key here, right...(IA)...Can you help us with city council.

MM: City council.

MW: ...(IA)...

MM: ...(IA)...Let me just say this. City Council, the members of City Council, four of them are in, within my district. ...(IA)...members that are, that are on City Council, elected members, are my close friends. One I helped make. Others I helped remake. Some ...(IA)...

MW: You could call in some chips for us?

MM: I would say I could deliver four or five votes out of the overall council.

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MW: Fine. Fine. Okay...

MM: Ya know, ah now I don't mean over some mission that's a mission to nowhere.

MW: Ah yeah...(IA)...

MM: Something that's...

MW: ...Yeah something legitimate up front.

MM: ...Something that you can explain... ha, ha (laughter) that's it.

MW: All right. Ah you're willing to do that for us?

MM: Absolutely.

MW: I, I can go back and say yeah, I met with Mr. MYERS...

MM: I ...(IA)... Let me just say this to ya...

MW: ...(IA)...And his balls were as big as all outdoors.

MM: ...Right now I have more influence locally than I do in Washington. Because, I'm I'm only new in Washington. I'm only there, I'm in my second term. Now to get the kind of seniority that you need to be, ya know, heavy down

Lx 'IA

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'ere, ya, your like, ya, you got to be in your six, seventh eighth term before you're really recognized as a leader in Washington, because you have to establish that kind of seniority. Now, a lot of people say that your, you know, seniority is not what it used to be, it's true to a degree, but seniority is still the key. And I know what's happening to me right now. I'm in line to take DAN FLOOD's spot on the appropriations committee. I have the support of the Pennsylvania delegation. It's a Pennsylvania seat. I have TIP O'NEIL on my side. Openly, TIP O'NEIL's on my side. I have Jim Wright GENE ROCK, majority leader on my side. There's 28 members of the ...(IA)... Policy Committee. Out of 28, I got 16 commitments. I don't mean just paper commitments, open commitments give to the press ...(IA)...commitments.

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Lx 71A

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MM: Up front commitments.

MM: Ya know...(IA)...
So, ah, it looks to me,
there...(IA)...
...that ah ya know I'll be there
very shortly.

MM: Would it be fair when I go back next
week to report that I met with Mr.
MYERS and he said yes, he has this
influence, etc., and he's willing
to use it?

MM: I'm willin' to use my influence.
The only thing that I can be very
honest with ...(IA)...
and I'll tell ya this up front, I
can't go on a Kamikaze mission.
I won't go on a Kamikaze ...

MM: ...(IA)...
Give you all the facts up front.

MM: Yeah. I won't go on a mission
that there's no return ...(IA)...

Give me a reason to go, that I can explain and I have no problems...(IA)...

MM: We'll back you up then in other words...

MM: I mean, you know, if I have...

MM: Does the hotel help back you up?... ...(IA)...

MM: ...(IA)... The hotel will be, yes, absolutely.

MM: You get up on the floor ...(IA)...and you say this man put 30, 36 million dollars in my district...(IA)...

MM: You're lucky, you know, what we'll do, when you get ready to roll here, and I'd be, I'll tell you another thing that I like to see you get involved with because I think it would be a natural. And ah, is in Port Development.

MM: All right.

Lx. 7A

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MM: And ah...

MW: Port development is something I want to bring up now. The gentleman...

MM: Everybody's interested in Port Development. We have a need here for Port development.

MW: I'm gonna give you some Port Development or I'm gonna ask you for some help in that direction. When your, when your friend, the other day, mentioned ah, hard coal, Eastern Pennsylvania Coal Region, ah, he doesn't know how close he came to the reason that first brought me here, to Pennsylvania. And ah Pennsylvania was a place I flew over, all right. And the first time I really spent any time here was a few months ago, ah, in, in Schuylkill County.

UM: Uh huh.

MW: Did I say that correctly?

BC: ...(IA)...oh yeah.

MW: Schuylkill County...(IA)...

LA. MA

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MW: I mispronounced it a few times and I was cold...(IA)...

MM: Skiing in a few months up there...(IA)...

MW: Different place...(IA)... (laughter)...

MW: Let's put it this way, I think I emerged, the victorious, when I left Schuylkill County.

EC: If you were with the right people... ...(IA)...

MM: Let me tell ya another thing..,(IA)... ...Schuylkill County... I got influence in Schuylkill County, believe it or not. I put six years in Harrisburg, at State Legislature.

EC: Mr...(IA)...

MM: The key, one of the key guys up there is the Democratic Chairman, who is JIM DUGAN(?) Very close friend of mine. Very close friend.

MW: Okay. My time in Schuylkill County was well spent, we have ah enough options. We have enough leases,

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LA 7A

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petro dollars are limited, a lot more limited than coal. And we have already taken care of ah ourselves when it comes to coal. Okay. I'm not talking about using this coal domestically, I'm talking about taking it from Pennsylvania.

MM: Export.

MW: Out of Pennsylvania. Now, how do I get it out of Pennsylvania.

MM: Only one way, you gotta take it by rail down to a Philadelphia Port and ship it out.

MW: Okay. This is to be shipped Scandinavian areas, parts of Great Britain, and ah, Western Europe in general. I have the commitments already lined up, purchased and I own enough coal, I, we own enough coal...

MM: Now let me just tell ya something about ...port development.

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MM: Ah...

How do I get it out of Pennsylvania?

UM: How do we get it out of the United States.

MM: Let me tell ya, Let me tell ya how you do it. One of my closest friends and ...(IA)...this kid, who is the Director of the Philadelphia Port Corporation, he's FRED DEBONA...I played a key part in getting his job in my last administration, but he's a sharp, sharp, guy. Very very sharp.

HC: His father is a Judge.

MM: His father is a Judge in the Court of Common Pleas...(IA)... His father was one of the best criminal lawyers in the country.

HC: ...(IA)...His father was BILL BARRETT's closest friend.

MM: Sharp operation here. Now the guy is, FRED DEBONA, Junior who's the executive director of Philadelphia Port Corporation, which is a, which is a corporation that

is funded, they get a million dollars a year from the state, from Harrisburg, they get a million dollars a year from the City of Philadelphia, to oversee the Port operations. They handle all leases on piers, all renting of space, all new development, all, any kind of a, a PR work that they do business in. Now the, the executive director is my guy. And if you want to move coal, he'll show you how to move coal.

MM: I'm gonna have to move coal.

MM: Okay. We'll take...We'll take you into some spots that can be bought now, can be leased now. We'll rip 'em down and rebuild the facility that's needed. For that, the guy is covered well, believe me when I tell you that.

MW: All right. What is it in...

...(IA)...

What are we talkin'? What's it gonna cost...

MM: Ah, well, let me tell ya what it's gonna cost ya.

MW: What's it gonna cost me in the bag?

MM: All right.

MW: To take care of that situation.

MM: Well.

MW: See, I have ah, I have ah...(IA)...

MM: Well, we, we'll talk about that...ha...

MW: All right. We got to cause, I'm committed in Schuylkill County, I'm committed.

MM: All right. Let me tell ya...

MW: Have enough money, I have enough money already spent...

MM: First of all...

MW: ...(IA)...

MM: I, I, I can't put figures on, well without researchin' I couldn't just quote a figure to ya. I, I, I mean I'd be

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lyin' to ya if I did. What we can do, we would have to get ah, first of all, we would have to look over the whole operation as far as what you're lookin' to export. What kind of facility is needed. Ah what we would have to put into develop that facility to, to build it, to, to meet your standards. Then we'd have to, you know, get into a...

MW: ...(IA)...lease it to us?...

MM: Long-time lease.

MW: We'd lease it to you. We'd build it. We'd use city bond money to build it, which would have to be approved by city council and in some cases, the electorate, which we ...(MW) could [illegible]

UM: Yeah.

MM: You know, it's not that tough...

MW: All right, does that help you on the floor ...(IA)...

MM: Absolutely. Helps me a lot.

MW: Ah...Are we talking in the right ball park now, we comin' up with the right things to...

MM: ...Helps me a lot...

MW: ...To make you look good, if, when, when you introduce this ...(IA)... and it's not matter.

MM: ...(IA)...

MW: ...At this point of, of, if ah...

EC: When, when he has to go to bat...

MW: Mr. MYERS, it's a, it's a when...

EC: Call him OZZIE, please okay.

MW: OZZIE, it's a when ah...

MM: You know...(IA)..., ~~in our field, but me~~... ya know how the private bills work?

MW: To some degree.

MM: Okay. Private bills are not too readily approved. Okay, but they are approved on occasion. But, you know, ah, ah, ah, I and I don't know who were talking about ah but during you know, but if it's if it's a very controversial problem here...

MW : It's not...

MM : Okay. Well then, you know ah, and he's he's investing big bucks here. Certainly ah...

HC : You'll get all ya want. In other words, he'll say...(IA)...this many is creating...(IA)... jobs.

MW : All right.

MM : ...(IA)...be more then happy too...

MW : It's no embarrassment to you, you're not, you're not looking to get the job...(IA)...

MM : I'm telling you, I, I, I can't go on a mission to, of of no return.

MW : You don't want to cut your own throat.

MM : I can't kill myself at this young age. I've got I figure I got two many years left (ha, ha laughter)...

MW : True.

HC : ...(IA)...at the beginning of a long great career in politics.

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MM: But you know, I'm I'm you know, I'm ...(IA)...you know... I don't have too many fears. ...(IA)...

MW: Okay, now. In dealing, ah let me give ya a little insight, in, into the sheik. Ah the man is well read. And ah, he enjoys the cinema as well. If he's, if he's in Britain, if he's, if he's a week in London, four night with the cinema, and American ah cinema art is all over the world. He's seen every mafia type movie, the Godfather, the whole thing. He reads them all, and he's paranoid concerning ah the mafia. You'll hear him try to pronounce it, all right. But he is paranoid concerning them. Now we're dealing with docks all right.

MM: ...(IA)...

MW: I am, I am obviously not...

MM: Now let me...

MW: ...you know and I know we have a dock situation.

MM: All right, let me tell you what the story is in Philadelphia.

MW: Do we have that problem?

MM: No. No.

MW: Do we have to deal, I can deal with 'em. I, I don't want to deal...

MM: Let me say to you if ya have to deal with the problem, I can, I can handle that. [redacted] problem. But you won't have to deal on the docks with that kind of a problem. You got a little bit of a black problem on the docks now. Ah the the old Moslem problem, and they've had some Moslem problems. But again that's not a big problem. We can handle that. Now as far as mafia in this city, the key people here, of course, ANGELO BRUNO is the key.

EC: The number one man.

(telephone ringing)...

MM: Now, he is an old man.

MW: See who that's for...

MM: Okay. He's an old man, but he still respected. Now you got...(IA)... ANTHONY TESTA. You got CHICKIE NARDUCCI, who acts ...(IA)...as one of the mafia ...(IA)... They're more into gambling, they're not into an, kind of real legitimate, they're into a lot of legitimate stuff, but they're thing is gambling...(IA)....

MW: CHARLIE again.

UM: Yeah.

MW: I'm not gonna speak to anyone else. So you get the phone from now on when CHARLIE's callin' Excuse me please.

MM: Go ahead.

MW: Yeah CHARLIE. (answering telephone)

HC: I don't think there'd be any problem with that... ...(IA)... docks...(IA)...

MM: I can handle the docks. Don't worry about that.

EC: That's his baby, he's a longshoreman.

EH: ...(IA)...

MM: Got 13 years on the job

EH: All I gottin' to say is ah I know that this guy is about ya know and ah he, he doesn't want to get involved with that stuff.

MM: No, he can't. If he came in here and got involved with that kind of an operation that, that would be the biggest reason in the world that he shouldn't come in here.

MW: All right Tuesday...(IA)...

MM: People don't want to hear that...

MW: The dollar figure we talked about is good. Okay, very good.

MM: You can't get involved with anything even if ya wanted to...

UM: Yeah.

MM: If he does, he's in trouble.

EH: Right.

MW: Okay.

MM: No matter what I say on the floor.

MW: Excuse me, Tuesday'd good, the dollar figure is good, and you'll handle that ...(IA)...

MW: (clears throat)...Ah ah, go ahead... I'm sorry. Ah...

MM: As far as the docks are concerned with any kind of mafia operation in this port, Philadelphia, I can handle all that...(IA)...no problem... Maybe there's some guys that guerrilla suits, we may have to pacify a few people, but that's nothin', nothin' that can't be handled very easily. Very smoothly.

MW: All right you brought up some names. Okay.

MM: Okay. When you talk...

MW: You said they were into gambling. ...(IA)...

MM : Ah when you're talking about Mafia in Philadelphia, ANGELO BRUNO is the kingpin in Philadelphia for years, he's been the boss of any MAFIA operation here. And there's some others, SKINNY RAZOR, who's now big, all downtown, this is all my ward.

MW : ...(IA)...This is all south Philadelphia.

MM : They're in my area.

MC : That's what it is.

MM : Now the key guys today...ANGELO BRUNO with this ah grand jury in New Jersey, he's been in and out of jail. He put, Christ he did four years, one...(IA)... 'cause he won't talk. And ah, he's ah, he's a guy that very senior individual at this point in time. Very sickly ya know, I don't think he'd be lasting much longer. But a good guy. Very, very good guy. The young turks...

MW : Do you understand how a guy like that scares the sheik?

Ex. 7H

MM: Okay, the young turks that are on the scene is a guy names TONY TESTA, and another guy named CHICKIE NARDUCCI.

MW: What, what's their thing?
I mean what...

MM: Their thing is I can handle ah...
Now I can't tell ya handle TONY TESTA because I'm not that friendly with him. I know him. He knows me. The kingpin is CHICKIE NARDUCCI.

MW: Can I deal with these people.

MM: ...(IA)...

MW: Can we deal...
...(IA)...

MM: Wait a second. You can deal with them without even being...(IA)...
I got that covered.

MW: All right.

MM: ...(IA)...
I got...(IA)...

MW: I'll deal with them through you.

MM: You can deal ...(IA)...

Ex. 7A

UM: ...(IA)...

MM: ...if ya have to...You don't, you don't want to get involved with them.

UM: ...(IA)...

MM: Let me just say this to ya. The worse thing that you could get this individual involved with is any kind of mafia problem.

MW: Yeah.

MM: 'Cause your...(IA)...

MW: I'll tell ya this is why I brought it up.

MM: You don't want anything like that. I don't even want to deal with 'em. I don't, they don't know anything about this...(IA)...
I don't deal with them on a, on a social level or any kind of level. They're my friends and you know from the old days when I was the, know them, I, I wasn't a part of...(IA)...

Ex 7A

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MW: But, if an interest is taken in our operation, right, because I mean, we're dealing...

MM: Any kind of interest, we can handle...

MW: Again, you said their bailiwick is South Philadelphia.

MM: ...(IA)...

MW: ...that's yours as well...

MM: But they, they're bailiwick is ...(IA)...

MW: ...(IA)...hole.

MM: Now they're in here. They're tied into Atlantic City. They're tied in ah throughout the whole, this whole Delaware Valley area. They're into all kinds of slot machines, and gambling operations, all kinds of...

UM: ...(IA)...

MW: I'm not, I'm not a naive individual. You and I had a conversation the other evening and a name came up, Mr. MALNIK.

Ex 7A

HC: Right.

MW: Okay, concerning a piece of ground here in Philadelphia.

HC: Right.

MW: And, his name, you know, researched, the, the, research that's been done for me, ah you know he, he shows up.

HC: Sure.

MW: Ah I spent some time in in the mountains of Pennsylvania and a...

HC: ...His name showed up.

MW: ...picked up a few things up there... the man...

HC: ...(IA)...he and Mr. PALMER...

MW: with the backing... of some Las Vegas types.

UM: Yeah.

MW: And some Central States Teamsters Pension Fund money.

HC: No question about it.

MW: He may have some situations already in the Poconos.

HC: Certainly.

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Ex. 7A

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MW: Right.

MM: Let me tell ya something about...

MW: ...So I don't feel, I don't mind being surrounded, if I'm surrounded by friends.

MM: Let me just say something.

HC: You are.

MM: Let me tell ya something about the Poconos. Now, you'll, you'll be and you could relay this. The Poconos of course that section of Pennsylvania which for many years, DAN FLOOD, that's his area. Congressman FLOOD. Wilkes-Barre, you know, and that that general area. All right now, the new guy was down in Washington yesterday. He has just received the nomination from the Democratic Party to run the Special Election for Congress to succeed DAN FLOOD. His name is RACHEL MUSTO, member of the State House of Representatives, State House now. Very close friend of mine. Shared an office with him for two and a half years. Good, good guy and really is the guy in the Poconos who knows

Ex. 7A

what's happening. I got, Poconos
covered ...(IA)...
and you think I'm kiddin' ya right.

MW: ...(IA)...You tell me ya got the
Poconos covered but Mr....

MM: ...(IA)...

MW: Look at my, look at my situation.

MM: Now...(IA)...

MW: I come to Philadelphia as a stranger.

MM: Okay.

MW: ...And I look at a piece of ground
and I make a telephone call and I say
check it out, and it gets back MALNIK.

HC: Let me tell ya something.

MW: I pick up MALNIK in Florida where I
have transactions. I pick up MALNIK.

MM: Ah...

MW: Two months ago...(IA)...

HC: You want to talk to Mr. MALNIK.

MW: I don't want to talk to Mr. MALNIK...(IA)...

HC: Listen to what I'm sayin' to you.
You don't have no problems with Mr.
MALNIK. Mr. MALNIK and I go back...

Ex. 7A

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MW: Mr. MALNIK's connections scare the man I work for...

EC: ...Okay...

MW: ...And anything that scares him...(IA)...

MM: Now listen to what I'm tellin' you. I'm talkin' about legitimate business, that has a problem with some local municipality up in that part of Pennsylvania. The guy that I'm talkin' about, RAY MUSTO, who you'll see, you'll read his name in the next few weeks, who has been npminated by the Democratic Steering committee to succeed DAN FLOOD, and be the candidate in the Special Election. He was with me yesterday down in Washington. A very good friend of mine, and a good guy. Now, I don't mean guys lookin' to a, yeah, you know, there in somebody's, looking to jump and ah to get himself involved in any kind of an issue, but if you has any kind of legitimate money that wants invest, he's, our friend.

Ex 7A

This is only, I'm talking about zoning problems, local problems. This is the kind of shit that you got to...

MW: Okay.

MM: ...(IA)...

MW: If I go, if the hotel winds up ah and the hotels ah certainty...Hotel/Motel whatever the hell this is, a hotel. Right. A Holiday Inn is a motel. Something in the middle. Okay. Ah if, if we wind up with the thing in South Philadelphia, where that influence is there, there's no doubt about it, I mean this town, it's it's a good town, there's an element here, it's you brought it up, it's been brought up to me. It's, it's been ah, it's been made apparent What do I have to give up? Cigarettes, garbage, you know. These things, things I can live with Right.

MM: Well.

Ex. 7A

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MW: What do I have to give up?...

MM: Well, there's a lot of things...

MW: ...'Cause these are questions, these are big questions to him...

MM: Now...Wait a second, you have to...

MW: To me, they're ...(IA)...

MM: First of all, you have to be, any kind help in, in the in the operation, I'm talkin' about the, the janitorial, maid service, all that stuff. You gotta give all that up. That's, you know, it's a set rate on that. The unions will control that. And bartenders, waiters, waitresses, all that's controlled.

MW: I'm talkin' about with the, the type of people you mentioned before. When I say give up...

MM: You, you talkin' about givin' up X amount.

MW: You know, they come in and say any of the people you mentioned before...

UM: Ah no.

MM: I don't think you got that big of a problem.

Ex 7A

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MW: Any of those, any of those representatives come in and say...

MM: Let me just say this...

MW; You're putting a facility here and we own this area or whatever the the pitch is, right.

MM: Yeah, but you not lookin...

MW: That you gotta give up.

MM: No. You're not going to have anybody there takin', takin' action. I mean you're talkin' about, ah, we're talkin' about legitimate stuff here, aren't we?

EC: Sure.

MW: Yeah, But...I mean, he's gonna ask me what do I have to give away and what he means is, if I have to go to a certain insurance firm, to make people down there happy, if I have to use a certain garbage, you know, I'm not municipa ...(IA)...I gotta, a dumpster...(IA)...

MM: No you can't, they won't, they won't bring it up.

MW: Right, I know. So I've got to go to a contractor. Right.

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MM: Yeah, we...(IA)...

MW: Do I have then to go ah into spec ah a specific contractor, do I have to give up my vending machines, to a certain contractor, that's fine what I mean by give up, What contracts do I have to let to certain...

MM: It's not necessary to the point, depending on how, what, your overall operation on the street, up, hotel operation...

MW: Yeah.

MM: You'll have to give up some stuff you know, not to be harassed with other problems.

MW: Will that keep these people happy to give up those types of concessions.

MM: Absolutely.

MW: Those types of ...(IA)...

MM: Oh sure.

EC: You might have to give up a ...(IA)...

MM: What I'm sayin' it's not gonna be...

Ex 7A

MW: Is that what they're lookin for, I mean he's gonna ask me what are they lookin' for?

MM: Okay.

UM: Wall to wall...

MW: ...(IA)...Respect...

MM: If he had let me say this to you. As far as givin' up, you know, who hauls the trash or who does this or who has casualty insurance. We can work that, work that out in a way that would be most beneficial to you. Okay. We can handle all that. That's no big problem. Now if you get involved with any kind of a mafia, you know, don't want you comin' in because they want somethin'...(IA) We can handle that. I'm tellin' ya, we can handle it. That's no big thing...

MW: You can take care of it...

MM: I can take care of it...

MW: Okay...

MM: Now if it comes to a point in time

where we have to do somethin', I let you know that. I let you know that. I mean, if, you know, I can back people down, with the right kind of ...(IA)..

MW: He doesn't mind spending the money, right... ...(IA)...

HC: When MIKE comes to you and say look...

MM: Let me say this to ya. What I, what you have to do here, ...(IA)...listen to me a minute. You know. This ain't a town that you're gonna get scalped every, every step of the way.

HC: It's not...

MM: If you got legit, this is a city that needs help. If you got legitimate money and you want to invest it, we'll show you how to invest it. Where you don't have to get sca...every scam artist in the city's gonna look and take a poke at ya. Well, we can back them away. Ya know, if ya want to ah, ah, you don't wanta ah...

MW: There are, in every city ...(IA)...

Ex 7A

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MM: Listen to what I telling you...

MW: ...(IA)...and this city to...

MM: Don't ...(IA)...

MW: ...(IA)...scam guys...(IA)...

MM: Listen to what I'm tellin' you, don't even, I mean you can say it to me 'cause it won't go any further, but if I was you, I won't even talk about who we had to take care of...(IA)..., that problem arises in this situation, and we will show how to handle it.

HC: Exactly.

MW: ...Okay...

MM: I mean, if you advertise that you you want to come in and invest and ya, who do I see, you know, these fuckin' guys will rip you up in a few seconds.
...(IA)...

MW: HOWARD...(IA).....
HOWARD and I...(IA)...

MM: They'll kill ya...

Ex. 7A

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MW: HOWARD and I...(IA)...

MM: ...(IA)...need two boat loads of money just to take care of them.

EH: (Laughter) That's why he's here.

MW: HOWARD and I have participated in quite a few conversations with third parties, all right. And it has not come up and I would never mention it. But it is a major concern of the man and he told me directly to mention it to you, because you're the guy... ...(IA)...

MM: Who is this?...

MW: All right...

MM: If you come to this town and you needed guidance, we'll show you how to operate, you know, without no fuckin bullshit. Believe me when I tell ya that. I'll show you what to do. And who to pay and who has to be paid... who you kick in fuckin' ass and tell them to get up the road...

MW: All right.

Ex 7A

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MM: If this, if ya, if you let it out, that you got money to spend every scam artist in the fuckin' country...(IA)...

MW: I know...

MM: ...(IA)...

MW: You two are the only two that I know...(IA)...

MM: Listen to ...(IA)...Don't, Don't let these people bullshit you. ...(IA)... bullshit.

MW: There is an element here that exists that has to be dealt with.

MM: There's an element ...(IA)...

MW: ...(IA)...
That's my point.

MM: I will bring, you, you put a hotel in my district, every one of those elements that has to be dealt with, I'll have them at the fuckin' opening night celebration.

MW: Okay.

MM: That's guest...

MW: All right.

Ex. 7A

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MM: Not looking for nothing. Now if it comes somethin' along their way that they're involved with then we'll give it to 'em.

MW: Okay...

MM: Without a question.

MW: Do you think I should meet ah Mr. DEBONA is that it? De, is it...

DEBONA or DEBOMA.

UM: DEBONA

MW: DEBONA, all right.

EC: DEBONA.

MW: Do you think I ought to meet him while I'm in town. Do you think that he and I ought to have ah sit down and come to some arrangement, right now, while I'm here. Because the coal, the coal is not a hypostasis.

MM: Do you know what you're lookin' for?

Ex. 7A

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MW: The coal is...(IA)... [eighty three!]

MM: Let me ask you this. Do you know what you're lookin' for? Are you prepared to meet with him and, ah...

HC: Be specific...

MM: Be specific and...

MW: I'll tell you exactly how specific I can be...

MM: ...How many square feet...(IA)...

MW: No, but ...(IA)... I can tell him this. I can tell him I have ah, and I can get the figures if I have to, I have X amount...

MM: Well, we need the figures.

MW: ...Of square feet of coal, cubic feet of coal which I have locked firm leases on and I spent a lot of money to do that, and the coal is there...

MM: I'm gonna give you another lease up in.

MW: ...The mining will be started...

MM: Central Pennsylvania, if you're interested. I got some good little

information about some area up in, located in Clinton County and Centre County, on some ground up 'ere with some heavy coal in 'ere. Their getting jerked off (IA)... If your interested in that type of coal. Now you're talkin' about anthracite, aren't you?

MW : I'm talkin' about hard coal.

MM : Hard coal.

MW : You see...

MM : You're talkin'...

MW : ...In Europe, in Europe, they have or they are developing the same type...

MM : ...(IA)...

MW : ...of regulations...

MM : ...(IA)...convert it into coke.

MW : ...The few folks yeah. The few folks in D.C. have done us and, and legistate, state legislatures have done right, we have clean air standards, and, and hard coal does burn well. And hard coal is a commodity in Europe.

Ex. 7A

It's a commodity. It sells as a commodity. You know, it doesn't sell, you know, give ya 14 tons, 14 tons, it's like oil. Right? You get it out on the waterways right and I'll set that ship out there ah for a month if I have to, to get the right price and I'll get it. And I'll get, but I need to move it out. And where do I move it out from, if I'm mining it here, I've got to move it out.

HC: ...(IA)...

MW: Delaware Port...

MM: ...(IA)...
Let me just say another thing that, that which you should know now and you should keep in your mind. Philadelphia is a port that you can deal with.
...(IA)...
You go to New York, you goin' to have more fuckin' shakedown artists than you can handle...

UM: ...(IA)...

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Ex. 7A

MW: I know a little about New York and I...

UM: ...(IA)...

MW: That's why we're here.

MM: Okay. You make, you can go to New York and you know but you know what's goin to happen there. I mean ah, SCOTTO, I don't know whether he's gonna get any jail but...

HC: Five years he got...

MM: He got five years, but if it ain't SCOTTO, it's gonna be some, somebody else. Everything that happens there, I don't care what you do, is a price on. Here, we're lookin' for the work. Okay. And now you may have to justify a few things with certain groups to make 'em happy and that'd be easy...(IA). I tell you that. And you got to not only ...(IA)... more productive, you know, on a, on a tonage here, our stevedores. Our fuckin' tonage here is, is ah, not, not double

Ex. 7A

the amount but it's about ah, it's about 50 percent more than what New York does an hour. Loading a fuckin' ship. These guys here work, they don't know what, you know, we need...

MW: ...(IA)...

MM: ...the work, I'll be very honest with ya.

MW: Should I meet with Mr. DEBONA while I'm here?

MM: I, I, I could arrange it. How long ya gonna be here?

MW: Well that depends on if I can meet with him. Ah...

MM: When will you be back? See here's what we should do. Let me tell ya what you should do. If you could get your architect or you, whoever you're dealin', the engineers, to develop some kind of a, what is needed (IA)...what you're looking for. Okay. What kind of a facility are you looking

Ex. 7A

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to lease, on the years, what kind?
...(IA)...
How long do ya want it? How much, how much coal you're gonna move out of here. What is needed to meet, what ya, you know, what ya need. That's what I got to know. And I can set it up with him and we got some facilities that are now vacant, that we can, you know, get working on, let's get it ready to go.
(Telephone ringing)...

MM: Now you ain't gonna move coal next week, but you may be ready to, to...

MW: ...(IA)...

MM: What kind, what kind of an option do you have? Five, you must remove the coal within five years.

MW: Ah eight point six (8.6).

EH: Hello (answering phone), yeah.

MM: It's a crazy situation, there's evan days involved, all right, there's no...
All right, within 8.6 years you must remove the coal. See you're talkin' about

Ex. 71

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MW : See 8.6 comes up, ya know, you got days in there too, too...

MM : Well, let's develop, ah, ah, ah, ah, some location within the city, taking everything into consideration...

EH : (IA)...in background)...

MM : What kind of raw services can be provided directly here, okay?

EH : (IA)... This if for you.

MW : It is CHARLES?

EH : No, it's someone else...

MW : Hello...(IA)...

MM : You need a little bit more on that trip boss, bossman...

HC : Got the two mustaches. You look good in it. OZ (IA)... It really does. It's looks, very becoming on ya. It's not becoming on everybody...(IA)...It really does look good on ya.

MW : OK. (IA)..handle that tomorrow morning... No...(IA)...

Ex 7A

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Okay. We'll handle that tomorrow morning early? ...(IA)...Okay...(IA)...All right (clears throat)...I'm here for one purpose. The other gentlemen do things differently or do different things than I do. Ah, titles impress ah the individual I work for. I have a title, all right, I just expedite things. Okay. I'm not gonna be involved all right in this hotel/motel...-...motel, nor will I be involved anymore at, at this point with ah coal. These are things that I I really have no background in and no interest in.

MM : That's what...

MW : Ya know...

MM : I'm sayin' to you...(IA)...

MW : I'm involved in takin' care of people up front. I, I'm gonna be very....

Ex. 9A

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MM: Now, that's what I gotta know...

MM: ...See 'cause I, I...

MW: You know straight, that's, that's where I...(IA)...

MM: Before I set you up with a, with a guy who's gonna look to develop a location, export spot. Now I liked to get involved more with the people that's involved in that line, and ...(IA)... firm, I set the games up...

MW: That's, that's ah, that's down the road a short period of time, down the road, but it's down the road. Ah, I came here with the express purpose of makin' sure that municipal government was very friendly towards us in construction of this hotel. Be it the site, a site here in Center City or be it a site in South Philadelphia, the City Council is friendly to us.

Ex. 7A

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MM : City Council...

MW : Okay. All right. You mentioned four individuals that you have connections with yourself...

MM : Yeah, that's right.

MW : ...in South Philadelphia ah...

MM : That's that very easy...

MW : Okay, I mean...

MM : That's firm...

MW : There's enough influence on your side in City Council, an individual that I've already dealt with that, you know I don't have a problem there. Right. Those zoning things are taken care of.

UM : Right.

MW : Let me, let me explain...

MM : ...(IA)...

MW : The dialogue that I will have when I return...

MM : See, this FREDDY DEBONA, who I'm gonna ah, that you're gonna

Ex. 7A

meet is now the Director of Port Corporation. He is the former Director.

HC: ...Director...

MM: ...of the zoning board...

HC: ...former chairman of the zoning board.

MW: That's nice, that's nice, okay.

MM: And there's the operation in and out...

~~UM:~~ HC: Yeah.

MW: But understand...

MM: And I hope ya do, you know, good guy my close associate...

MW: Understand my role, right, I'm not a technical...

MM: Yeah.

MW: ...individual, right. I'm not those are not my things. Okay. I come in and I talk to an individual and I become friendly. Ah we we strike an agreement and I go home and I'm happy. When I, let me give a short, ah ...(IA)...of what my dialogue would be when I go back. All right, and that will be who did you meet. Okay.

Ex. 7A

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Yours was the only name mentioned up front by him. Please see him while you're there. Like who did you meet? What are they're titles? All right. Are they friendly to us? And what can they do? What type of, ah, friendship do you have? What can they do for me when I come over? Ah, or, or we gonna, am I gonna come over there and have problems? All right.

MM: You just say this, see this, Philadelphia is a is basically a labor town, okay, it's a labor town. This city I would classify as a labor town. We have a lot of respect in the building and construction industry in this city. The building and construction trade unions are probably the most strenuous union group in this city. Okay. Teamsters have a lot of influence but the building and construction ... (inc) TRADE

Ex. 7A

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is the, is the strongest. No question about that. They have one of their great leaders is their workers ah leader, JOHN MC COULLOUGH who, next Tuesday, I'll be having a fundraiser at Palumbos. He will be sitting probably next to me at, at a table. Okay. I mean, I got all that shit covered. Ya know these guys are not lookin' to rob anybody, not lookin' to shake anybody, they want the work, we need the work and we make it, here and there. We have some problems with various contractors and they have some problems, that we can work out.

...(IA)...

EH: I guess that's what he sayin' like a guy like DEBONA. Would he have to be takin' care of ...(IA)...up front? Or would...

Ex. 7A

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MW: ...(IA)...

EH: He be just happy enough...

MW: I'm goin' to Montreal...(IA)...

EH: ...To be, to be just happy enough to have the work for the people here. Do we have to see him up front?

MM: Well ...(IA)...

MW: I'll take care of it if it's necessary. The man ...(IA)...

MM: Let me talk, well ...(IA)...

MW: It can be handled?

MM: I would have to talk to him about money.

MW: It can be handled.

MM: Yeah, it's an old story money talks and bullshit walks.

MM: Ya know...(IA)...

MW: It's appropriate.

It's appropriate. I'm, I'm goin' to Montreal. All right.

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Ex. 7A

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MM: Let me, just say, tell ya one thing one guy that isn't take care of is me. (odd sound) 'Cause I got screwed on the, on the last time I meet somebody.

EH: Well you're happy...

MW: Ya did...

EH: ...With the arrangement that we have so far?

MM: Well, I, I'm the guy that got screwed last time.

EC: There was a misunderstanding.

MW: Well tell me. Tell me about it. This is the first, this is news to me.

MM: Ya know I'm.

MW: ...(IA)..[illegible]

MM: No, seriously I mean, ya know...

EC: No, let me explain that to ya, okay?

MM: ...(IA)...

MW: I know only what told.

Ex. 7A

HC: Go ahead...Let me hear what you were told.

MW: No, you tell me, right, because if I got a problem on, on, on, on you tell me about it.

EH: Yeah, OZ ...(IA)...

MW: What's the problem.

EH: You tell us.

MW: 'Cause we'll get it worked out quickly.

MM: I I was supposed to go up to New York, North Jersey, New York, whatever you want to call it, and meet with various people. And some people didn't show, am I, am I correct?

HC: Correct.

MM: And ah I was supposed to ah, the end of the day, be ah, ah be 25 ah times ah happier than what I was when I went there. And I wasn't, when I returned to my own city.

Ex. 7A

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EC: ...(IA)... There was a regional transaction that was told through a various source was that there was to be a number, okay. Ah, when they came out...

UM: ...(IA)...

EC: ...of the meeting the number was half of what it was supposed to be.

MM: ...(IA)...I don't, see this is the, this is the...

UM: ...(IA)...

MM: Let me just say this to ya.

EC: ...(IA)...

MW: Were you there?

EH: No, I wasn't there. I was there not not listening to anything I ...(IA)...was downstairs.

MM: Let me just say this to you.

EH: I remember you being at the airport.

MM: All right. I was at the airport and I meet, ya know, the various people

Ex 7A

and I, I only came there because I had confidence in the people that brought me there. I've knowed them all awhile ya know.

UM : ...(IA)...

MM : I'm not, not a goddamn idiot. Ya know. Ya know, it's a...

UM : ...(IA)...

MM : What happened that day I was very very disappointed and ah I'll be very honest with ya. Now I hear all these big figures that you're investing 34 million, 50 million, 400 million...Everyone is talking about these (IA)...millions (ha-laughter) I like all that. I like to hear it. And I willin', ya know, I'm a little ah.

MW : I, I'm a little shocked here. All right.

MM : ...(IA)...I'm tellin' ya facts.

MW : I'm...

Ex. 7A

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MM: Now let me just say this to ya. I went back to my home city with $15,000 in my pocket and ya know, I...

MW: You, wait a minute...

MM: I went up there with a different impression.

MW: You came back with $15,000.

MM: That's exactly right.

EH: Weren't you given an envelope.

MM: Yeah I was given an envelope.

MW: I was lead to believe that you were taken care of in the sum that was much greater than...

HC: How much were you led to believe?

MW: $50,000.

HC: We were...

MM: See that's not true.

HC: We were led to believe that there was to be 100. Okay.

MW: I was told that you personally, all right, up front, before we have any transactions, ya know, before we get down the line, all right was $50,000.

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MM: ...(IA)...
Now I'm telling you what the facts are now. Ya know I...

EH: Of the 50,000 you only received 15,000.

MM: I got 15,000.

EH: Well I thought it was ah ~~SW~~. FIVE-O.

UM: ...Wrong.

MM: I'm tellin' you what the facts are I'm, ya know, I'm willin' to get involved, ya know, and I'm interested in business for the city.

MW: I am little embarrassed over that.

MM: Well, I'm tellin' you facts, okay.

UM: ...(IA)...

MM: So I, I just want to bring that up because I mean it's important to bring out.

EH: We thought it was just 50...

MM: Well ya, ya know what the problem is here. I mean, I meet you gentlemen in your operation, through other people. Okay. So I don't, ya know, and the people

Ex. 7A

that I met you through are very good people, very standup...I won't even be here.

MW: Well, that's how we do business.

HC: Right...

MM: Okay.

HC: Exactly.

MM: Because how would be...

MW: HOWARD has been dealin' it. HOWARD has...(IA)

MM: But, the point I'm making to you, ya know, if ah, if I'm to get involved and I'm, I, I want to get involved, you can show me a legitimate way where you want to come into my district and invest ...(IA)...
Didn't I just do that?
You did it okay.

MW: And that's ...(IA)...

MM: I'm, I'm not lookin' to really put a hurtin' on anybody. I'm tellin' ya facts.

Ex. 7A

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MW: What do I owe ya? Let's get down to...

MM: Let me say this to ya. Now, I was a little hurt that day because I'm, I'm a guy that's as, look come up there and I was given ya know a, a figure that I was supposed to come up and I was led to believe that ah, all this is ah, you know, people wanta invest, they want help in the Congress, we know the kind of guy you are, we know ya don't know that they, they know their own fucking guy, ah that I'm guy that I don't give a fuck what anybody says when it comes time to do something ya know.

HC: You'll stand up...

MM: I'll be the guy to do it.
You, ya follow what I'm sayin' to ya.

MW: I auth...I authorized $50,000. Now I'm gonna find that other 35.
That's my problem, and that's...
What do I owe you. I owe you $35,000.

Ex. 71A

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MM: Well, I'm a lit...I, I don't want to say ya owe me 35 or anything like that but ya know...

MW: I authorized 50 thou. Is that what you expected?

MM: Well, I ...(IA)...

MW: And you ended up with 15?

EH: He says a 100.

MM: Well ya know, I was, I was under the impression there was so much more money involved, now I'm tellin' ya, I, I went up there with a different impression. Now I, ...(IA)... I'm not gonna, I came back home and I had so much in an envelope.

MW: All right.

MM: Okay. Now, it, ya know, what am I gonna do? Ah I mean I just...

MW: Well, you're talkin' to the right guy...

MM: Chalked it up as experience.

MW: You're talkin' to the right guy about it.

MM: Well...

MW: Ah...

MM: I just chalked it up as experience,

Ex. 7A

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ya know, I figure well...

MW: ...(IA)...'Cause we, we don't do business that way.

...(IA)...

MM: Well, what I should have do, I'm not. Who am I goin' to complain to, ah, I mean my congressman.

MW: Well, that's true. That's true. (Ha Ha laughter)...

MW: Ha...Ya don't, ya don't go to ah ...(IA)... (laughter) ...IA... All right. Ah...

MM: And that's a fact...

MW: It'll be rectified...

MM: ...he'll tell ya...

MW: And that will be rectified. And I, I got credibility with HOWARD because I ...(IA)...don't deal that way.

EC: Ain't no question about it.

MM: I didn't think it's true. I mean everybody's it...

MW: Nobody gets cheated, nobody gets cheated.

MM: Listen to what I'm sayin' to ya now.

Ex. 7A

MM: Listen to what I'm sayin' to ya now. I go up there to talk to the Chase Manhattan ...(IA)...400 million , ya know, people want to invest in American business. Ya know, get into the shipping business, oil, coal. That's ah ya know, there's one on every street in the Delaware Valley. And there's just mo. You know, all this money, I think, what the fuck, you got all this money, man I guess that's bullshit I, I thought it was bullshit all this money. You're talkin' that kind of money ...(IA)...what the fuck. If you, if you got to give a guy a few bucks to get him involved, ya know, ya ain't gonna, ya, ah, whose gonna hedge at at at that kind ah there's no limits is it? I mean I mean that's the way I feel about it.

MW: ...(IA)...problem. My friend.

MM: I mean if somebody's lookin' at, now I don't know and I cert, I'm sayin' this in front of ya now...

MW: ...(IA)...

Ex. 7A

MM: Because I want it aired out completely.

HC: Exactly...

MM: And I don't want no, I don't like...

HC: We were together...

MM: Whatever I do, I'll do up front
I don't need nobody talkin' for me
or nobody makin' a deal for me

MW: "Let's put it up front. The note was
supposed to be a 100.

MM: The note was supposed to be a 100. I was
supposed to walk away with 50.

HC: 50.

MM: I came home with 15. Now when I went
up there, I met people, they didn't
know what, they didn't really know anything
about Congress or know anything about
investing money in the Delaware Valley or
anything about Port operation, anything
about New York or Scotto or the guys that
are involved there, or anything about any
of that, ya know. And I just, ya know, I
know all about that. I've been down that
road many times. I know all about that
shit.

Ex. 74

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MM: . I mean that's my...

MW: ...(IA)...

MM: ...end of it...

MW: That's right. That's why we that's why we expected to deal with ya. But I'm not happy, if you're not happy.

MM: Well (IA)...

MW: ...and obviously...

MM: ...(IA)...

MW: There's reason to be happy...

MM: Well...

MW: ...and you walked away with less than half of what you ah expected or a third...(IA)...

MM: Now what...

MW: ...of less than a third.

MM: What would you think, I mean. Think about it yourself...(IA)...I mean ya know I figured well ya know I don't know whether it's a fuckin' scam, all ...(IA)... is a few in the middle that shakin' somebody el: down...quotin' shit. I don't know any of this and...

MW: I'll take care of...(IA)...

MM: I don't expect to...

Ex. 7A

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MW: I'll take care of those problems. 'Cause if those preblems exist...

MM: ...(IA)...

MW: They're my problems all right.

MM: Let me say somethin'...

MW: ...and they will be handled. Now you got 35 comin'.

MM: Okay.

MW: Period. That's the bottom line. And that's what counts. That's what you got comin' to ya.

MM: Well.

MW: All right.

MM: The point I'm tryin' to make here is that you know I'm not the, the type of guy that's lookin' to blow whistles I could care less if somebody out slipped me while I'm, I ain't the first fuckin' time I've been out slipped believe me, I'll tell ya.

Ex. 7A

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And it won't, the last, I can assure you (laughter). But when it comes to down to doing business in this town. Now I'm not sayin' I can go in and say BILL GREEN you're goin' to do this or do that, I can't do that. BILL GREEN's my close friend and very close associate. But when you deal with the key people in this city, I can use a lot of influence to help you. Now if you give me reason, I got the fuckin' balls...

MW: Okay.

MM: ...enough to do whatever has to be done in Congress.

MW: All right. When I'm tellin' you about ...(IA)...

MM: And I can't, I'm not...

UM: ...(IA)...

MM: ...on a fuckin mission. Well one ...(IA)...I'll tell ya, I like girls, I like to fuckin' gamble, that's one reason (Ha Ha laughter)...

EX. 7A

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MW: That's a good reason

MM: Laughter.

MW: That's two good reasons. Ah you got 35 comin'.

MM: All right.

MW: All right. And that's that's a statement of fact. All right. 'Cause I'm gonna take what you said.. Why didn't you bring this up?

HC: Because of my presence...(IA)...to bring it up.

MW: All right then you're right.

HC: Okay, I don't ah...(IA)...Okay

MW: ...(IA)...I'm glad ya brought it up. I'm glad ya brought it up. Ah that'll be handled.

MM: Well I'm only sayin' to you...

MW: That's...

MM: ...you know, I felt a little hurt about it, hurt to a degree that I was misled. I, I mean, I made the trip on the agreement,

Ex. 7A

EH: I know but who do you think misled you. You think ah...

MM: I don't really know. Now I dealt through HOW...HOWARD and HOWARD...

EH: HOWARD, who do you think misled you?

MM: ...and other people.

HC: Well, it's a I think it was a lot of ah originally the number was 100.

EH: Yeah.

MM: Okay.

EH: Well you know who we're dealin with right?

HC: Exactly.

EH: Okay.

HC: Well, I didn't at that time... Let me tell ya, it was my first, ya know transaction. I didn't have...

MW: HOWARD how much...

UM: Well you'll have to speak up.

MW: You have a great deal of money transacted here.

HC: No question about it.

Ex. 7A

MW: All right. Is this the only problem I got?

HC: It's the only problem you have. The only problem...(IA)...

MW: All right. We don't have a problem anywhere else?

UM: ...(IA)...

HC: Nowhere else. It was the first time, it was a fuck up from the beginning, okay.

MW: Yeah. But everything else is cool...I mean

UM: ...(IA)...

MW: I, I don't want any problems tomorrow morning.

HC: You don't have no problems.

MM: Ah, it seems to me that ya know, ya know I could be very helpful to you ya know getting other people who are really interested in in helpin' you. Ah, you know when I, when this happened to me, okay...

MW: I, I, apprec...

MM: I backed off.

EX. 7A

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MW: I appreciate your feelings,...

MM: I didn't even, I didn't, now I'm bein', bein' hon, well I, I know what's goin' on which ya. I'm gonna tell ya how I feel. Now one thing about me, you'll know where the fuck I comin' from, from day one. 'Cause I'm not gonna screw with ya.

HC: Amen.

UM: All right.

MW: Supposing...

MM: Ya know, I may not, and I'm not.gonna bullshit ya either. I'm not gonna say look, ya meet me tomorrow and I got this taken care of and I'll have the mayor ...(IA)...I'm not gonna kid ya. If the mayor ~~is there~~ AIN'T THERE... (telephone ringing)... I'll tell ya from day one. He's not there. He's against ya. And what could we do to try (telephone ringing) to get him with us. Then we'll do that.

Ex. 7A

Ain't that the way you want to deal?

EH: Yeah.

MM: I mean, let me be clear on how youns want a deal

EH: Yeah. We thought...(IA)... everything was fine with that ah business at the the airport.

MM: Well...

MW: Uh huh (in background)...

UM: (hugh)...

HC: I'm glad you brought it up...

MM: Listen if I'm gettin' robbed, everybody ...(IA)...gonna end up gettin' in our hair..

HC: Ah absolutely pal...(IA)... ...by the way they're going to do business.

MM: Now you got 15 and I'm not...(IA)...

HC: ...that's why...

MM: ...don't want to hear about that...

HC: See nobody knows about this deal tonight, not even our other friend.

MM: Now, that's okay, I mean, I don't want everybody knowin' about my business... ...(IA)...

HC: ...(IA)...I didn't even tell him that I really talked to you about it...

MM: Or all [illegible]

Ex. 7A

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HC: Normally, I would have him call ya, okay, but I didn't ...(IA). Fuck That ...and call ya direct.

MM: ...(IA)...

HC: Right.

MW: You were promised 50, soon as I can put it together, you got 35 comin'...

MM: ...(IA)...

MW: Okay. Bottom line, let's forget that situation, all right and that handles the situa...that handles the the immigration situraliza...ah, situation...a bill the whole thing...I'll back you up with the properties, we can work that out...

UM: ...(IA)...

MW: We can work that out very quickly all right.
Let's talk about the cash. Let's finish it up. Right now, 'cause I'm pissed.

UM: Yeah.

UM: I understand.

MW: You got 35 comin', I'll put it together. What are we talkin' about,

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Ex. 7A

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all right, let's do it all at once...

UM: ...(IA)...

MW: What are we talkin' about for you to use, all right, the influence we talked about that you have in city government, all right, on the docks and with any organized type criminal enterprise problem I might have in the future. All right.

UM: ...(IA)...

MW: Give me a figure right now, you got one package...

MM: I would say that if you want, if you, if you got, now now I don't know what you're down so far as far as developing a plan who your architect is, what kind of land you're looking to acquire.

MW: Tha, the land is negotiable.

MM: Ah where was it located by...

MW: The land is negotiable...There's a site we have interest in in center city, all right?...Ah...

MM: Here's the thing...

Ex. 7H

MW: But...

MM: We not gonna have...

MW: South Philadelphia, if it, the main problem is the immigration, you realize that...

MM: Okay absolutely.

MW: Getting the man here.

MM: Ya know I, I realize that...

MW: Okay, If the thing should be in South Philadelphia, well then it'll be in South Philadelphia, okay...

MM: Okay...Let me just say this to ya...(IA)...

MW: I've been led to believe that there are parcels of land...

MM: All right, let me say this to ya...

MW: ...in South Philadelphia.

MM: There is a, there is a, there is currently a, a vacant building in my area that is already built. Okay, it was built for the purpose of being a motel/hotel operation.

EC: A Holiday Inn.

MM: It's vacant...

Ex. 70

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HC: You know where it is?

MM: Up for sale...

MW: I understand, yeah...

MM: Bad area.

HC: Bad area...

MM: But it's the kind of thing that even, ya know, you offer it up, ya know, they're tryin' to get somebody else to take it up...

HC: The people...

MM: And I can explore that and you can pick it up cheap. I'm lookin' to save ya money...

MW: I'm not lookin' to save a dime...

MM: Well I'm lookin' to save...

MW: I'm...

MM: Ah (IA)...listen to what I'm tellin' ya now.

EH: I think this package...(IA)...

MM: I'm lookin' to, we could, we can put together a package cheaper and we can get, instead of givin' it to the contractors, we can ah, split somethin', I don't know, ya know, I mean, am I free to talk here...(IA)...

Ex. 717

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HC: Lay it on the table...

MM: I don't want to save nothin' either. Now I ain't lookin' to save somebody else's money...

MW: ...Fine

MM: But my own (laughter)... But we might be able to put somethin' together a lot cheaper than what we was talkin' about...

MW: Okay, I am going to Montreal this weekend and then I'm flying overseas. And then, I'll be back as soon as possible. The conversation I'm gonna have with the man all right relates to certain key topics. It's gonna be a very short, sweet conversation, because you sit with a man for five hours and 22 minutes of it, all right, is business. All right and three and a half hours of it is fun ya know, it's pleasantries, because that's how business is conducted. In those 22 minutes, I cover city council and a lot of things on what I've done. Your name will come up

Ex. 70

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ah there's no way in the world I'm gonna tell him about that problem that we discussed before. Ah I'll take care of that myself...(IA)...

THAT'S NO LONGER A problem you gotta...

UM: Okay...

MW: ...guarantee. You gotta 100 percent guarantee...

...(IA)...

MM: ...(IA)...

Now let me just say this to you. ...(IA)... Ya know, I'm the type of guy that if I'm on a mission, okay, let's say I got to go deal with some mafia operation downtown. Say we got a little problem about some horseshit, whatever it may be. Somethin' that really shouldn't even relate to the individual who we're talkin' about. Okay. Now when I go down there and I say look, what's the problem, what does it take to straighten it out. Now I can't ah I mean my name is it very important down there and ya know my friendship is even more important. Now when I go back, I can

Ex. 7A.

go back and say look ah well I made the deal but ah here's half the...(IA)... action. I'd be in the fuckin' river the same night. I can't operate like that. I gotta know what I'm talkin' about. I gotta be specific. Very specific on the way I deal. Now I don't wanta die at this young fuckin' age...(IA)... good reason. I'm after a good fuckin' reason....(IA)...

MW : You have some of the same fears that he has...

UM : See...

MW : Okay.

UM : Uh-huh.

MM : Well...

MW : ...(IA)...

MM : If you say to me all right look you gotta problem here with the cigarettes. Go down and we'll make a deal, we'll resolve it for 10, 15,000. See what you can do. I'll do that...

MW : Fine, that's what I'm talkin' about...

Ex. 7A

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MM: All right. I'll do that. But I don't want to go down there and then when I'll meet ya tonight, and someone shows up and gives me 3,000, then I have to try to fuckin' negotiate and save my own skin...

MW: No problem.

MM: I don't wanta operate like that...

MW: You won't operate like that...

EH: You know...(IA)...it won't happen.

MM: But that...

MW: Okay...

MM: ...is the way. Well that was my own experience, that's why I'm bringing this shit up.

MW: I can go back...

MM: And I don't want to have to operate if I have to operate like that.

EH: I don't blame ya OZZIE.

MM: I mean what the fuck, I'm not, not gettin' shot over somebody I don't even know.

MW: ...(IA)...you're right...

Ex 71

OZZIE I can go back there and tell them that that...

MM: 'Cause they're figuring I'm fuckin'... scamin' off the top. Ya know, and I'm not...

MW: ...(IA)...Listen to me for a minute. If the immigration situation is handled right? 'Cause I'm gonna finish up... Handled to...I, I don't ...(IA)... make it clear...

MM: Though I, I, I, I'm not kiddin' nobody ya know, for any amount of money. I can't just say, ya know we're in here...

MW: Mr. ...(IA)...allright Congressman MYERS...

MM: Now I want to be clear on it.

MW: ...is goin' to try as hard as he possibly can, he's in your corner anything he can do he will do.

MM: Now that's you can say that.

MW: Fine. That's all I need to say.

MM: And give me a reason.

MW: All right. Number two right.

Ex 70

MM: Other than, ya know a a reason that ...(IA)... what the hell why are you interested... what are you gettin' a kickback...

MW: No, that's what I'm talkin' about, number two.

MM: Give me a reason. Somethin that I got some money in my district...

MW: ...Your hotel...

MM: ...(IA)...where, hey this guy is investing bucks...

EH: Well he's givin you a reason.

MW: You got a hotel...

MM: ...(IA)...You see what I'm sayin' to ya...

EH: Yeah sure...

MM: Give me a reason and I'm there...

MW: All right. Based on those facts that you're gonna use your influence...

MM: Don't forget about what I told ya about that English language, it's very important...

MW: Okay, that's...(IA)...

MM: State Department told me that...

MW: Number two...

EX. 74

PH 183-1075
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MM: Get a tutor, get...(IA)..

MW: All right. You can help use your influence with the, at least with the four city council members in your district.

HC: And..(IA)... everybody else included?

MW: And everybody else.

MW: You can use your...

MM: ...listen...

MW: ...influence in city council for whatever benefits...

MM: See, ah, listen to what I'm tellin' ya...

MW: ...him in the construction...

MM: ...City Council, now I, I I don't, ya know, I can't say I got every city council member, city council we can handle. ~~We got~~ Forget city council. Those that we can't handle, we can buy. So don't worry about city council.

MW: All right. GEORGE has given me a little or or ah HOWARD has given me a little

Ex. 7A

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education concerning city council and a a lot of names have come and so forth. who are those four that you're talkin' about?

MM: ANN VERNA, JIMMY TAYOUN, FRANNY RAFFERTY and AL PEARLMAN.

MW: Okay. Those are yours. You, I have no problem with that.

MM: No problem whatsoever.

MW: I go back and tell him fine. You'll use your influence, your office...

MM: Use my influence, my office and my personal friendship...

MW: Okay...

MM: With these people...

MW: They'll go all the way...(IA)...

MM: They'll go all the way and...

MW: ...And so forth)...

MM: Everyones that we can't get I'll ah I mean I could go on and tell ya. I be glad....

HC: He might have another guy that we...(IA)...

MM: I got Lucien Blackwell...

Ex. 7A

EC: My guy.

MM: Oh, LOU JOHANSEN, forget it. I mean, he's ours automatically.

MW: Okay.

MM: ...And...

MW: The big ...(IA)...and his last question and the bottom line, and he'll do it very dramatically. All right, is what do I deal with, how do I deal with the mafia. ...(IA)...

MM: Ya deal with the mafia through...(IA)... ...we'll keep it very quiet. You'll deal strictly through me.

MW: Fine. And you can handle those matters for me.

MM: I can handle...(IA)

MW: I can tell him those, all those points were covered with you. I'm not gonna mention to him this other problem we had fine. Now...

MM: You can handle...

MW: ...To be able to tell him, all right, those things, all right. We still...

MM: ...(IA)...

Ex. 7A

MW: ...have the other matter, what do I owe you at that point. You were dealt with before on one thing, right...that immigration thing. Now I'm talkin' about three or four other things right. Three or four other...(IA)...

MM: ...(IA)...

MW: ...possibilities. Things I need help with, Things he needs help with.

MM: But I would say just, you know, it's here's the, now...

MW: Don't, don't, don't be embarrassed ...(IA)...

MM: I'm not embarrassed...

MW: ...(IA)...figures, all right.

MM: Okay.

MW: Give me a figure...

MM: If you want to ah throw another 50,000 in ere, and if you want me to spread it out and wind things up, I'll do it.

MW: That's your, that's your pick, right.

MM: Ah, let me just say this to ya. The thing with me and and I'm gonna be

very...I, I want to be up front, okay. I'm not kiddin' nobody. I'm not tryin' to shake anybody down. If you want somethin done in city council, if you come to me with a proposal and say what does it take to get this enacted into law. Now I can't guarantee that the mayor will sign it. Okay. I could never guarantee that, I mean if it's a legitimate thing, investment of money, zoning, anything like that, you ...(IA)... simple shit. We can handle that for a few bucks.

MW: Fine.

MM: If necessary...

MW: It's...'Cause it's legit, these are legitimate businesses. I'm not comin in...

MM: Okay...

MW: ...(IA)...

MM: What I'm sayin' to ya, city council, if you got something I don't, if I don't I, I, I could, I don't care what it really is, you can, you can basically handle it, I'm tellin' you. Now I

can't put a dollar figure on every, like, like tonight. I, I just can't do that. If you want me to...

MW: What's it take to make you happy... forget them?

MM: ...do somethin...

MW: Forget what we have to comin' later on. I deal with that as it comes. All right.

MM: Well ah, let me just say this to ya. What would it take to make me happy is...

MW: ...in those other fields, because the other thing is...

MM: Well, I'm talkin' about, see I thought that I should had 50 grand that day.

MW: All right. For this ...(ZA)...

ZH: 35 you got coming.

MM: 35, yeah, I should, I should have comin.

MW : All right. And add the rest for those other, these other things we talked about...

MH : Well, if want me to spread some...

MW : And...(IA)...

MH : other money...(IA)...around...now and you know, I, I don't what ya, you tell me what ya want me to do.

MW : Okay.

MH : Now if ya want me to get involved...

MW : Ya...

MH : ...with city council and line up guys that have been...(IA)... automatically on your side...

MW : When a vote comes, right...

MH : Ya tell me that...

MW : ...When and if a vote comes, you use all the influence you have and the power of your office to help sway city council if we have vote situation problems. Okay? Number one. Number two, you help us ah with any type of ah, ah labor ah city government, whatever, port authority,

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this type of thing. Number two.
All right, just a commitment, right.
That you can do this, you'll help us,
you'll give us your best shot.

MM: Absolutely.

MM: Number three. And that's all anybody
can ask for in any type of situation.

MM: Best shot we have...

MM: ...All right, and number...

MM: ...is with Port Development. We're so
hungry for Port Development.

MM: And number three right, if we gotta
deal with mafia situations, right, that
you can intercede...

MM: I'll handle that...

MM: ...And use your good graces, and what
have ya, and tell us how to handle it.

MM: I will...

MM: All right...

MM: Handle that and, that...

MM: ...insight...

MM: ...will strictly be money deal, clear.

MM: Fine. That's okay. Now, so I'm not
talkin' about...

EH: The money comes from him.

MW: Right.

EH: ...And to you.

MW: I'm not talkin' about spreadin' money around down there because when it has to be spread around, you got it ...(IA)... right?

MM: I'm tellin' you this, ya know, I and ah believe me when I tell you this, I'm not a, I'm not a ...(UI)...man, but I'm, I'm lookin' to be, lay the cards on the table. Is that what ya, is this what you're lookin' for?...

MM: Exactly. For those three points.

MM: Now, ain't that the way we deal.

EC: Exactly right.

MW: You were dealt with before...

MM: Now I'm, I'm not gonna tell ya I need ah 8 million dollars before I, I mean, I mean I, ya know, I don't operate like that. I'm gonna tell ya how ya can do business, and if you, if you, you show me that you guys are reasonable guys, and

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ya know, I'm not lookin' for a jackpot ...(IA)...or nothin'...Now I'm talkin' with ya 'cause we gotta friend here, and I don't expect any tapes to be runnin' there. And I won't be talkin' if it wasn't, if I don't know you guys, but I, he's here, so I'm talkin' because I feel he's here and ah I'm legit to be able to talk this way. Now the key is you don't go runnin' around like crazy ... people 'cause ya got a lot of money. Don't do that. Don't try to butter everybody with money because you'll waste more fuckin' money in more different directions than you could ever spend it right. You could spend probably one third of it right and get the same result or better than ...(IA)...

MW: That's why I'm dealin' with you people...

MM: Well I realize that...

MW: ...(IA)...Right.

MM: No, but you got the impression you're givin' me the impression that, that well wh will it take for this what will it take for that,

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MW	:	No, no, no, no. No what...(IA)...
MM	:	...(IA)... I'll submit you a bill each month...(IA)...for three million..
MW	:	You don't understand...
MM	:	...(IA)... (laughter)
MW	:	No, no...You're not gonna get it.
MM	:	...(IA)...
BC	:	...(IA)...
MW	:	You're missing my, you're missing my point. Right. You were deal with before. That somethin' that made good that's guaranteed. That's money in the bank. You were deal with before strictly on one issue. All right?
MM	:	Yeah.
MW	:	Okay. I brought up three other situations.
MM	:	And I got them all covered.
MW	:	...(IA)...influence right?
MM	:	...(IA)...

MW: We struck a new bargain this evening and I...

MM: I got 'em all covered.

MW: ... asking you what are we talkin' about right.

MM: We're talking about make me happy.

MW: ...making you happy.

MM: ...(IA)... To keep me happy, just make me whole with the kind of ah, ah...

MW: ...you'll be made whole...

MM: Kind of agreement that I...

MW: ...You'll be made whole...(IA)...

MM: I, I went to New York for... I come home I was...(IA)...

MW: ...(IA)...business.

MM: I come home embarrassed.

MW: All right...(IA)....

MM: Make me whole and then we'll go on from there.

MW: All right. I wanta you'll be made whole. It's finished business right. I brought up 3 other fields, right. What, what I owe yo for, I'm goin' back and gave him a commitment, the same commitment ya gave me.

That the man said yeah, he'll handle his...

...(IA)...the best he can.

EH: I think what MIKE is sayin' is...

MW: Give me the figures.

MM: I know what he's sayin'...

EH: ...(IA)...

MW: ...(IA)...not what it's gonna cost me down the line, but what, ya know, what keeps ya happy.

EH: I think what he's sayin' is he trusts you ah to deal the extra bucks with these people who...

MM: ...(IA)...

EH: ...But what this, just what are you lookin' for, ya know, like to make you happy...

MM: ...to make me happy...

EH: ...(IA)...so...

MM: To make me happy...(IA)...

EH: ...(IA)...for six months like ya have been.

MM: All right. Let me say this to ya. To make my happy, I was introduced to you people. Okay. I didn't read your name in no want-ads section or I didn't pick ya out of a paper. This gentleman introduced me to yeens. Now what arrangements ya have with him, I mean, does he have a retainer with you or...

MW: HOWARD and I have...

MM: ...(IA)...

MW: ...(IA)...business transactions and HOWARD...(IA)...

MM: I mean do I have...

MW: ...(IA)...keep happy.

EH: Don't worry about HOWARD, that's separate...

MM: Ah let me say this to ya when I talk about what I'm talkin' about...

ME: You personally just you...

UM: ...(IA)...

UM: ...(IA)...

MW: ...(IA)...HOWARD, HOWARD...

MM: I mean because I was referred, recommended through this gentleman.

EC: Right.

MW: I take care of HOWARD...

MM: ...(IA)...You know if I have to worry about HOWARD than I'm talkin' ...(IA)...

MW: You don't have to worry about HOWARD this is strictly...

MM: Now look, the only thing I can say to you, I can line a lot of customers up for ya, members of congress that are willing to deal with us. I could put people around you, you wouldn't be, you would be shocked. I mean, you may think I'm kiddin' but ah if you want to spend fuckin' money, I'll show ya how to spend it.

MW: Oh, I'm sure you could.

MM: (Laughter)...

MW: I'm sure you could...

MM: ...(IA)...

MW: I want to make you, ah, I want you got to be paid for those other three things. Now what is it?

MM: Well...

MW: Now, give me a figure because I gotta be, he's got a lot of banking business to do here for me and I...

MM: I would say that ah you know, I mean I and I'm not lookin' to rip anybody off. Give me, I want my 35, but ah...(IA)...

MW: All right, now that's ~~cash~~ partro business. You got it...

MM: Give me 50 in addition. You're gonna work on other people, city council, people, we're gonna have to deal with. I'll go talk to, to the mafia connection, there's CHICKIE NARDUCCI my close, close friend. Okay. We'll get FREDDY DEBONA lined up. You give me some plans. You send me your engineer who wants it to develop somethin' at the port. Done taken care of. You'll have to invest some money, give us a long term lease. We'll spend city money.

MW: Okay.

MM: Okay. Develop that operation.

MW: All right.

MM: I show you, do exactly how to do that.

MW: All right. Those two plus your influence with city council and your influence in your office. That's a powerful office, I mean...(IA)...no bones about it.

MM: Well if I need, I mean, just give me, now I, I, I...

MW: ...this is yours...

MM: ...didn't rob ya...

MW: ...this is yours...

MM: Ya want me to tell ya to give me ten million, I'll tell ya that, I don't want to ...(IA)...ya know. I'm not goin' to tell ya that. Now I'm goin' to be very honest which ya. I, when I first talked about this, I was lookin' to get fifty. So let me walk away with my 35, give me 50 to go out and do these other things that we spoke about and you know...

JSC

MW: Okay.

MM: ...We'll meet again...

MW: ...Fifty covers only you on those matters. Anything else we got to do down the road we do, right. It's a new ball game.

MM: ...(IA)...

MW: Fifty will cover you on those three issues. We'll take care of the other matter.

MM: Absolutely.

MW: All right. You got a big package comin' all right?

MM: All right.

MW: I'm a...

MM: We'll go out and do what we have to do...

MW: Let me do...

MM: I got that covered...

MW: Are you stayin' in town or are you goin' back tomorrow?

MC: No, no, he's stayin' ...

MM: No, I'm stayin' in town.

MM: Can you do this? Can you give it some thought on whether I should see ah, ah Mr. DEBONA tomorrow. I...

MM: Let me say this to ya...

MM: ...I'll give it some thought as well...

MM: If you want to see Mr. DEBONA, I can arrange that, okay. I can, all right, I can even take ya to Mr. DEBONA's house tonight.' Okay.

MM: If I do, I want to go with a package. I don't have a package available at... ...(IA)...

MM: But, you don't want to go in with a package at this point in time you listen to what I'm telling you.

MW: I'm listening, that's why you're here.

MM: Are you ready? I want you to meet with Mr. DEBONA, but I wanta...see, Mr. DEBONA is going to want; he don't want to talk to you about any packages (telephone rings). You follow what I'm saying to ya.

MW: I know wxactly what you're telling me.

MM: Alright now.

MW: (Answering phone) yes, yeah, hold on a second (MYERS leaves).

MM: (IA)...take a leak.

EC: Leave the door open for me will ya? Jesus christ it's; we got to wind this thing up here. I'm getting tired.

EH: Yeah, yeah.

EC: Can I use that phone (IA) (CRIDEN leaves)

EH: Yeah, take your best shot.

MW: (On phone) good enough, ok. I appreciate it. You know I like the way you do it. (off camera (IA) conversation)

MW: (To EH) where's OZZIE? Head?

EH: What's that? yeah. He's taking a leak and Mr. CRIDEN is telephoning

1030

(pause) (IA talk off camera) (MM, MM and EH come into camera range)

MM: Alright, fine, why don't we do this. Tell me your itinerary. You gonna be in town tomorrow?

MM: Be in town tomorrow.

MM: Alright, alright we don't want to do business with him like that at this point.

MM: No.

MM: Fine, hey, that's good enough. Your opinion is valuable, there's no doubt about it.

(MC enters).

EH: I think we have a friend in (IA).

MM: Alright, I, I'm going to Montreal. I'm going to go, most likely tomorrow, the way things are going. I' going to go. I have to. I have commitments. I'm goir there. I'm going overseas from there this weekend. I'll take care of it. The money will be wired. You will take care of it. (points to EH).

EH: Alright. I'll take care of it next week.

MM: Alright, you'll be taken care of. You and I will deal ERNIE will take care of it. Eh.

EH: And you have to...HOWARD, there's another piece of...

MW: Yeah, you...

EC: Ok, we'll talk.

MW: We'll round it off, alright. Eh, how long you going to be here?

MM: I'm gonna, I only, you know.

EC: He lives here.

EH: He's got a job in Philly.

MW: When you going back to DC?

MM: I'll be going back Monday morning...

MW: Ok.

MM: ...12 O'clock... mid-day...

MW: Could I possibly reach you through HOWARD?

EC: Sure.

MW: If I call him from, oh, oh...

MM: Absolutely.

MW: ...Montreal...

MM: Let me say this. Now I'm not...

MW: ...this weekend.

MM: I just want to be clear, you know, so, I mean, you're taken care of...

MW: He's my business.

MM : And whatever we do, we're doing...

MM : You and I.

MM : Ok, is that understood?

MM : Since we had misunderstanding before, we can make it clear now.

MM : Alright.

MM : So I know where I'm coming from now, I, I, I went up to New York with good people. Now I didn't ask a lot of questions, or question anybody, but as long as I know where I'm coming from. Alright, now, whatever I have to do, you know, we can meet the way we're meeting now. Are you the head hauncho of this operation in America?

MM : Right now, I'm it.

MM : Alright, you're the head guy, oke, now we'll meet and we'll discuss what has to be done. Now, I mean, I can, I'm not looking to put any great price on anything, oh, oh...well, I have to talk to this longshoreman boss, oh, the guy that headed the ILA and it's gonna cost. I'm not looking to do that. Ok, I'm personally not looking to do that (phone rings) Now if that's what I should do, you tell me that.

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(phone rings) and if you gotta.

MM: (IA).

MM: And if you're looking to spread money. (phone rings) and you gotta have a reason, a reason to do it, then I'll handle that. You know, you give me some clues on what you want to do here.

EH: Just let me tell you this.

MM: You see what I'm saying.

EH: Just leave it the way..., everything is fine now, becaus we have to get this all squared out now.. Eh, everything is great.

MM: (On phone) ok, ok, alright (hangs up). That's good. That's finished now. That worked out nice and nobody's mad at me. Eh, I'll tell you what. How can I get in touch with you tomorrow? Alright, I'm going to start making some telephone calls right now...

MM: I'll be around (IA).

MM: ...and you are as well and I'll make a few in the morning, if I can't reach the parties tonight and I, I'm not and I'm a little embarrassed and I'm gonna straighten the situation and I'm gonna try to make you whole tomorrow, if I possibly can. If not, it wil be within a mat..... just a matter of days.

MM: Alright.

MW: Are you satisfied with that. You got eight, five coming...

MM: Very good.

MW: ...and I've got my commitments, and I'm happy, eh...

MM: (IA).

MW: I can only apologize for that. Alright, that's all I can do...

MM: Let me say this to you.

MW: ...and I'll make it whole.

MM: You know, I'm the type of guy that when you have to go do something, you just better hope I'm at your side, if you want to go do a serious mission, you should hope I'm at your fucking side, at your side.

MW: That's why I'm here.

MM: I don't give a fuck about nothing. I'm a little fucking, you know, half crazy at times. You know I'm the type of guy, did you know, how do you I got a ninth grade education. How the fuck do you think I got to congress? On my fucking wisdom? Hey, heh, heh.

HC: Yeah, on your wisdom OZZIE.

MW: How do you think I got where I am.

MM: (Laughter).

MW: Luck? how can I reach you tomorrow?

MM: You can call me at several numbers. The best way to call me is to call my office and tell them that you're looking for me.

MC: Five-nine-seven-three-five-nine-two.

MW: Three-five-nine-two. Ok, and eh, I can call you there. I can call there and say I...

MM: Call there I won't be there.

MW: Eh, MICHAEL COHEN, MICHAEL COHEN called you...

MM: MIKE COHEN is looking for me and he's at a certain number and I'll call you back. That's all.

MW: Ok, great, great. Eh, I'll take care of it. What else can I say. Alright, I'm going to make some telephone calls right now.

MM: Alright, all these other things...let me just say this to you. All these other things, when you're dealing with the mafia in this town, when you're dealing with the part, when you're dealing with City Council, when You're dealing with the Zoning Board, all the key things that you may run into a problem with, in this town, if you got fucking money, you don't have a fucking problem. You can handle all the problems.

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MW: Fine then I have no problems because...

MM: You have no major problems, now I can make things easier for you now, eh, you gotta tell me. Now I'm not a fucking thief to the degree that I'm trying to skin anybody and take their eyes out. I mean gouge your .. eyes out. You know, I, I believe in live and let live and I'll be very honest with you when you're dealing with FREDDY DEBONA, he's interested in quick promotion. If you can make him happy, in, while we're promoting the part, I'll tell you how to do that.

MW: That's down the road alright.

MM: That's down the road.

MW: You got no problems...

MM: Yeah, and I need, I need statistics, figures, tonage...

MW: You'll get it.

MM: What you need, what kinda lease you're running into, and I can handle that. We'll enter into an agreement...

MW: That's what lawyers are for.

MM: ...in two fucking days, if you got the proposal and you got the money to back up the proposal.

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MW: That's what lawyers are for. They handle that. That's what architects are for. That's what engineers are for. That's what those guys go to school.

MM: (IA).

MW: You know.

MM: You know there's a lot that, that can be done, you know. I'm the type of guy, you know, I play eh, like a very fucking nonchalant role, till I know who I'm dealing with ok. I try to develop the kind of confidence that I think I can develop for you guys and then we can deal.

EH: I think we understand each other now.

MM: You know, I'm not...

EH: I think we...

MW: We got somethings up front and I'm, I'm...

MM: I'm not coming in here looking to, looking to put a shake on anybody. I mean, eh, I'm interested in the city, given some reasons. I'm not, I'm not a fool, I'm not going to run out, you know, say well here's X amount of bucks, go out and introduce this bill. I'm not interested in a fucking bill that's going to get me fucking shanghaied the next day.

C2C1298

MW: We're going to back you up.

MM: I'm no fool.

EH: We're going to be here a long time.

MW: We're going to back you up.

MM: Give me reasons...

EH: We got a nice arrangement between all of us.

MW: This man's going to back the.

MM: ...and I'm willing...

MW: City of Philadelphia to the tune of 11 dollars and it's it's, it's...

MM: Well, the point I'm making, you know, you...

MW: ...he's going to make people happy to have him here.

MM: You want to, you wanna, oh, build good relationships you want a good understanding, clear understanding, so you know where I'm coming from.

MW: I think; did we clear up some things tonight?

MM: I think so.

MW: Fine. I have...

HC: It was a super meeting.

MW: I have to do a little investigation right now. Alright, I'm going to get on the telephone and burn some wires...

8CR1399

MM: Ok.

MW: ...and I don't show it, but I'm a little hot. I'll take care of you.

MM: Alright.

MW: Beautiful.

MM: MIKE, pleasure.

MW: OZZIE, good meeting you and it will be taken care of possibly tomorrow, if I can.

MM: I'll tell you, whom we have...

MW: Hustle them up.

MM: ...whom we have a face and discuss such as we did tonight, I think we should get together like this...

MW: Alright.

MM: ...just thrash it out.

MW: (IA).

MM: If you have, if you even invision a problem. Let's say it's a, I don't give a shit what it is. If you invision a problem, I don't care what it is, I mean if it's local. I don't care what the fuck it is, if you invision a proble if it's Atlantic City, if it's labor, part, if you invisic a problem, you call me in on it.

MW: Alright and you can use some influence to help us out.

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MC: You want me to stay a minute?

MW: No, I'm going to get right on the phone and I...

MC: No I want to talk to you just for a second.

MW: Fine, that's great.

MM: If you got the kind of money that you tell me you have we can straighten any problem out.

MW: Eh, HOWARD knows what the resources are.

MC: No problem.

MW: That'll be, that'll be made good.

MM: What I'm saying.

MW: Let 's not even discuss that anymore, cause I'll take care of it.

EH: You want OZZIE to wait for you downstairs?

MC: Yeah, just a minute, I'll only be a second OZZIE.

EH: OZZIE.

MM: Pleasure.

UM: (IA).

MM: MIKE, see you.

MW: Ok, thank you for stopping in.

MM: I'll wait down there.

MC: Where?

DCM

14[illegible]

MM: And we'll have; down in the lobby.

HC: ...in the bar, yeah. I'll be down and we'll have a beer.

MM: I've got to get home and get some a..., I've been away from Philadelphia for a week, you know. Got to go home and take care of the home life.

MW: Whatever you have to do show him out, make sure does he know how to get out.

EH: Do you....

MM: Yeah.

HC: Do you like this guy?

MW: Yeah, that's how to do business.

HC: Right.

MW: That's how you do business.

HC: Right.

MW: I'll take care of that. That's my problem alright.

HC: I want to give you a little background to that problem, ok, tell you how that problem arose, ok. That problem arose because somebody may have said that there was a hundred, ok, and he was given commitments that he was going to get fifty, ok, but when it came to the meeting, there was only fifty and I, I, ok.

MW: Who took the package up.

HC: The package got whacked, ok, from the time that

he got...

MW: Let me ask you a question.

HC: What I want you guys to understand.

MW: Was there fifty thousand in that bag?

HC: There was fifty in the bag.

EH: Ok, that's all we want to know. Everything's fine as far as we're concerned.

MW: Ok, then all we have.

HC: (IA)...I didn't want you to get the wrong impression, that I, I'm assuming that what you thought was that the people (IA).

MW: Somebody skipped out...

HC: But that was not the case the case was...

MW: But they know better.

EH: As long as there was fifty, that's all that was.

HC: You're people did what was right.

MW: Fine, that all I'm after.

HC: Ok, that's what I want to get.

MW: Who walked out with the package?

HC: Well, it changed hands, I mean, it was...

MW : Fine

HC : ...b

MW : Ther

bund

HC : Ther

MW : Fine

EH : You

pack

HC : Yeah

MW : Woul

HC : Oh y

MW : Woul

HC : Yeah

was

pack

ther

MW : What

HC : You

EH : We

HC : You

MW : I'll

HC : Ok.

EH : It

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

HC : Let me tell you something, ok.

MW : Do I want to look chintzy to this guy?

HC : No, no, no-no, no-no. But I don't won't you to, eh, I want to play straight up and it was the first chance, I was only a messa..., I'm not a messanger boy.

EH : I never saw you there.

HC : I, I, delivered him, ok, ok, the other guy across the river took credit for the delivery, cause he was the guy..., you were there. He brought him in...ok, I wasn't even, oh, oka, now I have no control, I didn't even know.

MW : He not only took the credit. He took twenty-five...

HC : I didn't even know.

EH : (IA).

HC : What am I going to do?

MW : Great day for him, twenty-five.

HC : Ok, now, what are you going to do?

MW : Then things will work out.

HC : Ok.

MW : (IA)

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HC: I just wanted you to know.

MW: It's money. It's nothing, nothing to be concerned about.

HC: No, but I didn't want you to think that your people skinned you.

MW: Ok, I'm going to take care of it and I can relax.

HC: Now.

MW: Make sure he doesn't think that we...

HC: No, no, OZ thinks,...

MW: (IA).

HC: I see, he understands (IA).

MW: See how uptight he got, because he thinks that, eh.

HC: No, because he got uptight because when we made the arrangement with him, we said OZZIE, there's fifty in it for you. Ok, there will probably be a hundred. Fifties going to get whacked, cause nobody was taking, taking care of us at that time. We had to care of our other package.

MW: Ok, that why you and I have a different (IA).

HC: Exactly and I would rather do it that way.

MW: Fine.

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HC: I don't want to be involved in a...

MW: Ok.

HC: I'd rather he got his and I...

MW: Ok, he gave me, he gave me the right commitments and, and everything's fine.

EH: THis was a good meeting tonight.

MW: Yes, that took care of a lot off...

EH: He deserved something for setting this up.

MW: Alright we'll take care of that and I'll. I mean the right way.

EH: Besides what you already have...

MW: Yeah, HOWARD, thank you.

HC: Ok MIKE.

EH: Ok my man.

HC: Alright, ERNIE, take care pal, when will I talk to you?

EH: I don't have to tell you where the elevators...

HC: No, eh, when will I talk to you?

MW: If I can't get anything, if it, this weekend. I'll try to call you from Montreal, if not you'll hear from him no later than next week.

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HC: Ok.

MW: You just took a load off my mind, thank you.

HC: I knew I would.

MW: (IA).

HC: I didn't want to...

EH: Did you leave anything.

HC: I didn't want you to have ulcers unnecessarily.

EH: Ok, my man.

MW: Good night HOWARD.

HC: Chow.

(END)

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MR. PUCCIO: Judge, apparently a couple of pages were missing. We just stopped for that.

MR. BROWN: We don't know what is happening.

THE COURT: I don't know how it appears with the others, I had 183 in the 150's. That is all that was wrong with me.

The tape stopped playing on page 159.

MR. BEN-VENISTE: We have the same mistake.

THE COURT: Apparently the xerox collator flipped.

MR. BROWN: Are there any new pages?

THE COURT: I don't think so.

MR. PUCCIO: The last page is 183 and that was stuck somewhere in the 150's.

THE COURT: I have in effect two pages 161, one of them is out of order.

MR. BEN-VENISTE: Can we continue to run at this stage rather than to redistribute pages? I make my request on one leg. There is not much more to go.

THE COURT: We are on page 159.

(Tape played.)

MR. PUCCIO: May I indicate we are on 162 at this point?

THE COURT: 163.

MR. PUCCIO: Alright.

(Tape continues.)

THE COURT: Alright, we will take a short recess.

Don't discuss the case.

(Recess taken at this time.)

(continued on next page)

Sibit

MICHAEL WALD having been previously duly sworn resumed the stand and testified further as follows:

(Whereupon, the Jury entered the Jury Box.)

THE COURT: Alright, Mr. Puccio, you may proceed.

DIRECT EXAMINATION

BY MR. PUCCIO: (CONTINUED)

Q Now, Agent Wald, did you have occasion to meet with Congressman Myers again?

A Yes, I did.

Q That's on the very next day, the 25th of January, 1980?

A The 25th.

Q Where did the meeting take place?

A In the same location, Barclay Hotel.

Q Was there anyone else present at that meeting?

A I believe Agent Haridopolos was.

Q I show you --

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Exhibit 8A and ask you if you can tell us what it is?

A That's a partial transcript of the second

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meeting I believe.

Q And have you had the opportunity to compare that to the video? Are you satisfied that that is a transcript of the meeting?

A Yes.

Q Accurate?

A Accurate, to the best of my ability.

Q Now, let me show you Exhibit 8?

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q Can you identify that for us, please?

A That's a video tape of the second meeting -- my second meeting with Congressman Myers on January 25th, 1980.

Q That's a redacted portion that corresponds with the transcript; is that right?

A Yes, it is.

THE COURT: In other words, this is a copy of a part of 8B.

MR. PUCCIO: That's correct, your Honor.

Your Honor, I offer these two Exhibits in evidence and I ask that the books be distributed and the tape be played to the jury.

THE COURT: Any objection to 8 or 8A?

MR. DUFFY: Your Honor, I assume I have the same continuing objection?

THE COURT: Yes.

MR. DUFFY: On the basis --

THE COURT: On what we discussed.

Again, keep in mind, ladies and gentlemen, we are dealing here -- I don't see any reference to any conversation by the defendant Myers. The defendant Criden is involved; is that right.

MR. BEN-VENISTE: No sir.

THE COURT: I beg your pardon.

MR. BEN-VENISTE: On this one --

MR. PUCCIO: This is Congressman Myers.

THE COURT: I am sorry. I hadn't turned the page. I am sorry.

MR. BEN-VENISTE: We would ask for a cautionary instruction with respect to Mr. Criden.

MR. PUCCIO: Judge, may I approach on that question? I can hold it, I suppose.

THE COURT: I think it can wait until later.

MR. PUCCIO: Ok.

THE COURT: It shows Congressman -- the defendant Myers, not any of the other three defen-

dants, so when it is still continuing -- consider this as part of the same cautionary instruction I have given you. I will give you more instructions on it later.

Alright. 8A and 8 are received in evidence.

You can distribute copies if you have not already done so. And then play the tape. Are you ready, Mr. Puccio?

MR. PUCCIO: We are setting up, Judge.

(Video tape played)

[Exhibit 8A: Transcript of Audio Tape Exhibit 8]

Date: January 25, 1980

Time: 8:20 P.M.

Place: Barclay Hotel
Philadelphia, Pennsylvania

Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)
ERNEST HARIDOPOLOS (EH)

* * *

MW: Oz, how you doing? Come take a seat. Ernie will take your coat. Can I get Ernie to get you a drink?

MM: Ah, not really.

MW: Okay.

EH: A little bourbon.

MM: No, not really.

MW: Long day. Ah, I started early this morning and, da, checked out a lot of things, all right, I mean, ah, the operation, ah took a blow from you last night on that story you related to me, you know, I was, I was upset very upset. You weren't out of here five minutes and I was on the telephone. Now, when you left I had a little talk with Howard and I made some telephone calls and had some people contacted who

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were involved in the situation, and eh should anybody within this organization, all right, within our organization, try to, try to skim, all right on a, on our employer, there are consequences, and they're dire. There's no courts involved, there's none of that nonsense.

MM: Sure.

MW: It's, it's Moslem retribution and ERNIE would have had certain things he would have to accomplish. And st..., it would have been a very bad situation. All right. And I was very upset. I'm less upset now, but I still am in one regard. I found out that they had $50,000, just as was agreed on, and that that package was handed to you with 50 in it. Talked to Howard last night and he said that's true. Ah, the gentleman was supposed to receive, Mr. MYERS, was supposed to receive $50,000 and that's what was in the package, but from there, right, it went to various places.

KM: Oh. I...I...

MW: It wound up with you.

KM: Ah...No...I don't disagree with that.

MW: It...it...becomes a matter of honor with my employer.

KM: See the thing...

MW: He's not aware of this situation, you know. Right. I kept that from him entirely. Kept it with me.

KM: Uh ha.

MW: And da, it's a matter of honor. You promised 50, and you end up with a package of 50. What happens from there? Ah...

KM: See, here's what happened. You know when I was there. First of all it seemed to me. Now I was approached with initially, okay, by right people, with a, you know come up for lunch, you know meet these people and who could help in some way. See we don't want you to sign in blood but you have to do. But you know these people are looking to

establishing a relationship on a friendly basis and this is the way it was explained to me. Now, when I get there, see, it was suppose to be a 100, okay, now these people who were setting it up, and there were very few names, I couldn't name everybody that was involved here. I didn't ask and I wasn't really told, but my understanding with the guy I dealt with which was another associate to this gentleman, you know it seems like there was a lot of hands in the pie.

MW: Tell me about it. If you wound up with 15...

MM: I wound up with 15...

MW: Then we had heavy heavy hands in the pie.

MM: Okay. Now, right afterwards...

MW: Now if there was supposed to be a 100 in the first place, then there was a dire misunderstanding because I was told when the approach, be, ah, before the approach was made, ah, we need 50 thousand dollars for this gentleman. I said

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That's fine. That's what he, that's what he should, do, obtain here, that's what he, that's what it takes.

Mrs: All right. So we go up there. All right. Now, all through the process, you know, I didn't generally want to walk out of, up in the front, with this package anyway. I wasn't looking to do that, travel back down myself or fly back down or any other way with the package. So the other people that are involved in, in other words, I, I, I took the package.

[illegible]: Right.

[illegible]: Didn't see what was in the package. Didn't have any, a reason to pry it open and go through it; packed but the door and handed the package over. I didn't see the package no more. Now I headed back to Philadelphia. Now I don't, you know, people that I was referred to where to, I don't know

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Ex 6A

whether there was, ah, there were you know, ah, the kinds people that were aware what this arrangement was.

MM: That appears to be where the misunderstanding.

MM: Right. Now. So when I got back home, ah, back down this area, Philadelphia, ah, I went to...to meet the people at the City. Now when I met, meet the people, there is a misunderstanding. The first thing that I was told, instead of a job, there's only $5, because the other people are obviously were supposed to get held up, for whatever the action was, for getting it up. So when I got there, there is a misunderstanding. The job turned into $5, and other people were involved and played a part of it; this had to happen, and that had to happen, and this had to happen. So now there was it left. So I was in a position either to take it as figure, or

not take it. Now that's the position
I was in. So, I almost didn't take it
to be very honest with you, but I figured,
fuck it, why should I give him back the
13, and let somebody else take it, really
screw me, so I, I, I you know eh, you know,
now other people even that, that, that
they were, were talking me, you know, I'm
going tell you so you hear this. "Look,
don't deal with him, deal with me." So it
seemed like a fucking scam to me, all the way
[illegible]
[illegible]
[illegible]

NN: Yeah...Ah...

NN: With us...

NN: Same to you. If I had a deal...I...
Even if I had to go for it myself, I
couldn't get caught in that kind of a
trap. If I do somebody...You know...
that somebody, reputable guy on an
important committee that could help
and we...and I tell them a certain
thing and that's how I'm instructed...

[illegible]: We've got to be better, be backed up.

[illegible]: We know I...I can't...I wouldn't do it.
You know I'm afraid...

[illegible]: As long as you see...

[illegible]: A...When they say got me customers and you
could get a piece of their action, I'm
not looking to do that.

[illegible]: All right.

[illegible]: Believe me when I tell you, I'm not.

[illegible]: As long as you see that in that
incident we have a...a...we're were trying to
be honorable. I mean I was told fifty

thousand dollars for you. That was made available. And it was there. And that's what was given to you. Now. Other people took a slice of it...

MM: Yeah. And I'm not aware...

MW: For the time you had it, "A" and the time you wound up with it "B".

MM: Yeah, I can't ...

MW: Eh...

EH: I think I know how it got whacked...

MM: Well I don't know. I don't even know these people...Okay...And I...I...I'm not blaming anybody. I mean I'm telling you just what happened.

MW: Well,...

MM: I...I...

MM: I'm a little miffed at Howard because he didn't bring it up.

MM: Well, you know...

MM: Until you brought it up last evening.

MM: Maybe he didn't expect me to bring up... I...

MW: It's...

MM: But I'm going to tell you. I'm going to be up front...

MW: Ah...If fifty thousand is there in an envelope for you and you wind up with fifteen. I mean what kind of... what kind of fee for that is setting it up...is...is...a thirty five thousand dollars for setting up a fifteen thousand dollar...a...note. That's, that's insane. Right...That's...that... that bothers me. If it was a hundred... it should have been made clear to begin with. Obviously it wasn't because I was told fifty. If I'd been told a hundred, I'd have asked "why" and I would have known...and it would have been handled

MM: I mean...it...In other words...the... the...the thing about...you know, I just felt...and you know...and now when he called me, he had no idea I was going to bring that up. But I wanted to bring that up for a reason.

MW: I'm glad you did.

MM: I brought it up for a...for a reason... I...I want to know where I'm coming from.

MW: Right.

MM: I can't be dealing with other people when I'm uncertain. And I gotta wait for this, and then this changes, that changes.

MW: You got a beef. Let me tell you...

MM: Sure...

MW: I appreciate you bringing it up for a lot of reasons and one of them is that da...tah...

MM: See that...

MW: I rather deal differently at this point. Okay?...

MM: I'm glad...

MW: Ah...

MM: Let me say something. I'm glad you call me. You know the way you do, it's...

MW: I didn't call the other gentleman. I called you.

MM: Okay.

MW: You understand...

MM: You called...Whenever...Whenever you call, for instance, I get calls continually.

MW: I'm sure you do.

MM: Now...

MW: As I do...

MM: I get called...

MW: I just got off...

MM: They screen out my calls.

MW: The last two hours on the telephone.

MM: I have all kinds of calls, I don't even want. Now if it's important...for instance...when I got the call today, I was at home if you want me to be honest with you. That you had called. The gentleman called. and you know, ah, anytime, eh, if you call and leave a message like that...eh... unless I'm on an airplane or, eh, on a boat, and they can't reach me immediately, you know...

MM: All right.

MM: Ah...I'll be reached within, within the hour, and you know I can usually, you know, I'll call right back.

MM: All right.

MM: And you know...

MM: Ah...

MM: I'm in town or if I'm...

MM: Ah...The business we did last night, let's forget about that for a minute. That's a problem but that's gonna...I want to deal with you differently. We're not gonna have those kind of misunderstandings anymore.

MM: Okay. That's fine.

MM: Right. There...There...

MM: I'm glad to hear that.

MM: All right. What you did last night, right, is fifty. Okay? The things we talked about last night that's worth fifty thousand dollars, and that's what you will be paid. You got nobody cutting that pot.

That's between you and I, okay?

* * *

MW: And eh, I'm not going to have any misunderstanding because you and I can talk.

MM: Sure . . .

MW: As have have that, this misunderstanding before might be water under the bridge but I remember . . .

MM: Yeah, I'm not concerned about it. If, Eh, you see, let me say this to you, one thing about this guy that was here last night, he's a reputable guy. Now I don't know who he deals with, I didn't ask him, and I don't wanta know, to be very honest with you. Now the guy that I got connected with, with him, is another good guy, you know one of his key guys, he's a good stand-up guy, a guy you could do business with.

MM: You see what happened to the, the package that was put together for you.

MM: But now, when other people get involved, and you go across the river, and I don't know who else is involved beyond that, and when I got up there that day, it was, it was a really bad scene. I'm telling you.

EH: I don't know if you remember. I was there. I was standing with ANGIE in the lobby. Remember where you came walking in...

MM: Yeah.

EH: I don't know what happened after that, but it's none of my business because you went upstairs.

MM: Yeah. I'm just saying, it's eh, you know, when I arrived at the aiport, I, eh was you at the airport?

EH: — No.

MM: I was.

EH: I was at the hotel there when you walked in.

MM: When I walked in the hotel, but I'm saying when I got to the airport, you know, first of all, I don't even know why I even went to the airport. It's a bad place to meet. You know, there's too many people in the airport. I might even bump into people I know coming into Kennedy Airport. I don't even know why I met anybody at Kennedy. I thought that's, I didn't have, I, I thought that, I really thought that the hotel where, eh, these

gentlemen were staying is right across from the airport, like walking distance, but it was yet some miles from the airport so I didn't fly, I had no reason to be at the airport. But anyway I met, when I got to the airport, it seemed like there was too many people involved with this.

MW: Well I...

MM: People I didn't know, really, you know, there was another two or three people there. And I didn't...

MW: Ozzie, I was, I was not involved in that, couldn't control it.

MM: It was...it was a bad scene.

MW: Alright but I, I, you know, I did my investigation I'm satisfied that it was a an error right, nobody tried to do anybody, it was just an error.

MM: No, I didn't think that, let me just say this to you, you know MIKE to be very honest about it, that's the main reason I brought that up. I want you to know where I'm coming from.

MW: I'm glad you did. I'm glad you did.

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MM: I understand English, clearly, you know what I mean?

MW: Because there's no reason for us to have a misunderstanding.

MM: That's why I brought that up last night.

MW: From now on, just deal direct, direct with Michael.

MM: Now last night, the gentleman...I, I waited downstairs for him, he came down and he says "I'm so happy you got that brought right out," and I, you know, that was the end of it, he said no more about it, and I said no more about it and he was very happy that that issue was cleared up.

MW: He knows how much money I've spent here in the last, less than a week. I mean an awful lot of money, and eh, he's aware of it, right, and he should have brought it up, but that's, eh, let's forget that. That's it's a matter of honor and it sticks...

MM: See what happened here.

MM:

See, you see, I tell ya, I tell ya what happens, just so you understand the picture here. When you're dealing through one source and he's handling the rest of the action and there's one set figure and you know what you have to do, that's what I want to know. That's that's what, the way I like to understand things.

* * *

THE COURT: We have no audio.

(Video tape stopped)

MR. PUCCIO: We are getting the redacted part.

THE COURT: I see.

MR. BEN-VENISTE: Your Honor, there is some audio on the original copy of that. I would ask that that be played to the jury.

THE COURT: We have seen something on video with no related audio. Does that have anything to do with what is in the transcript? That is, Mr.

MR. PUCCIO: No, it doesn't. We are playing the portion that corresponds to the transcript with the understanding that if defense counsel wants to

play the entire tape, that's fine. But we are playing this portion.

THE COURT: They may play any other --

MR. BEN-ZVI: May we have a -- we did not have the prelude. We did not know it was going to be played, what the agent says by himself in front of the camera.

MR. PUCCIO: Judge, in the transcript we supplied, that part is not in. So I don't see how it could be misunderstood.

MR. DUFFY: Before there is any discussion, I have a motion that I respectfully ask your Honor to hear at Side Bar.

THE COURT: Side Bar.

* * *

* * *

Q Mr. Weld, on the 29th of January this year, did you have a telephone conversation with Congressman Myers?

A Yes, I did.

Q Is that the conversation -- is that conversation recorded?

A Yes.

MR. PUCCIO: May I approach the witness, sir?

THE COURT:

Q I show you first Exhibit 9B and then Exhibit 9. Can you identify 9B, please.

A Yes. It is a tape recording of a telephone conversation made on January 29, 1980, approximately 3:30 p.m. from me in New York to Mr. Myers.

Q That's the original; is that correct?

A Yes.

Q Now, would you look at Exhibit 9B and tell us what that is -- I am sorry. Exhibit 9 and tell us --

A It appears to be a copy, an excerpt copy from

the original.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Exhibit 9A and I ask you to identify that.

A This was a transcript of this telephone recording I just spoke about.

Q Is that a transcript of the excerpt copy?

A Yes.

Q Have you compared that, the excerpt copy, and is it accurate, to the best of your ability?

A Yes.

MR. PUCCIO: I offer the exhibit copy, Exhibit 9, and the transcript 9A into evidence.

THE COURT: Any objection?

MR. BEN-VENISTE: May I have a voir dire?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

Q Mr. Wald, the date of the tape-recorded conversation was January 29, 1980?

A Yes.

Q And do you recall what you did with the actual tape, Exhibit 9B, the original, after you made the recording?

A I made the telephone call. I did not make the recording. So I never had possession of the tape.

Q Someone was present with you?

A Yes.

Q And can you take a look in this? Would you open that envelope, Exhibit 9B? It has an evidence sticker around it.

A Yes, it does.

(Continued on next page.)

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Q Would you examine the tape itself and see if it bears any identifying material?

A Yes.

Q Whose handwriting is on it?

A I don't know whose handwriting that is.

Q Did someone write on it in your presence on the 29th?

A Yes, someone wrote on the tape and we made the telephone call.

Q May I see it for a moment?

A Yes.

(Pause.)

Q Is it fair to say, sir, that the evidence [illegible] was logged in immediately after the tape was made?

A That is our usual procedure but I had no role in that.

Q You are familiar with the handling of these?

A Yes.

Q There are strict guidelines with respect to that?

A Yes.

Q Is it fair to say that those guidelines were followed in all respects in the handling of this material?

A As far as my knowledge, yes.

SDNY

Q From the Exhibit 9B, there is a record of everyone who had the tape at the time it was made until today?

A It appears that way, yes.

MR. BEN-VENISTE: I have no further questions. My objection is on the basis of the materiality to this indictment, to the fact that Mr. Criden is not a party thereto, and for the other reasons we have discussed at the side bar relating to the relevancy and Katteakos. case.

THE COURT: Objection overruled.

MR. PUCCIO: May I have it marked in evidence?

THE COURT: 9 and 9A are received in evidence.

MR. BEN-VENISTE: May we have a limiting instruction, your Honor.

THE COURT: The same instruction here, ladies and gentlemen, this conversation is a telephone conversation between Mr. Wald and the defendant Myers, none of the other defendants are involved. Until I instruct you otherwise, you should consider it only with respect to Mr. Myers.

Are you going to play that tape now?

MR. PUCCIO: Yes.

THE COURT: You may proceed.

MR. PUCCIO: May I distribute the transcripts, your Honor?

THE COURT: Yes.

(Pause.)

THE COURT: You may proceed.

(Tape played.)

[Exhibit 9A: Transcript of
Audio Tape Exhibit 9]

Date: January 29, 1980

Time: 3:30 P.M. (approximate)

Place: Telephone Call from Michael Wald (New York)
to Michael Myers (Philadelphia)

Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)

* * *

MM: Where do I stand with that?

MW: Well a I still, you know, I owe you a the monies we discussed.

MM: Yeah.

MW: And a I'm going overseas this weekend, I'm leaving Friday and I'm going a be back within a well definitely within ten days, probably less, and a and then you've got that amount coming period. I mean there's no if's, and's or but's it's owed to you.

MM: O.K.

MW: You know that's a we we we got that out Friday. We had a good conversation I think and a . . .

MM: I thought so and a . . .

MW: You know, you made it apparent you're owed X amount of money and I'll go along with it. I I have no problem

with it. A you know I might have problem with the other people and the way they treated you with that thing but a, a that's that's their problem. You know that's between me and them and that'll be taken care of, but a, you'll be made whole. You know I I promised you that and I I there's no way I can go back on my word there.

MM: All right.

MW: Ok but let me a let me get a hold tomorrow a...either from here again or a or from there and I call that 202 number?

MM: Yeah.

MW: And they...

MM: I'll be there to 202 tomorrow.

MW: Ok fine what's the best time a in the afternoon sometime?

MM: Well probably around 3 - 4 O'clock.

MW: Very good.

MM: I'll be staying there tomorrow night.

MW: Ok fine.

MM: 202.

Ex. 9A

MW: Very good then I'll take to you then.

MM: All right Mike

MW: O.K. thank you.

MM: Right.

MW: Right, bye now.

(End of Call)

DIRECT EXAMINATION

BY MR. PUCCIO (Continued):

Q Agent Wald, two days later, January 31, 1980, did you have occasion again to speak on the telephone with United States Congressman Myers?

A Yes, I did.

Q Was that call recorded?

A Yes, it was.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibits 10, 10A and 10B. I ask you to examine these.

A Yes.

(Pause.)

Q First, with respect to 10B, what is that?

A It appears to be the original recording of that telephone call.

Q What is Exhibit 10?

CPM

A 10 appears to be a cassette copy of that call.

Q Of the same recording?

A Yes.

Q Is that an excerpted copy?

A Yes.

Q It contains a portion of the telephone conversation, is that correct?

A Yes.

Q What is Exhibit 10A?

A That is a transcript of 10, Exhibit 10.

Q Have you compared that transcript to the tape recording, Exhibit 10?

A Yes.

Q Is it the same to the best of your ability -- accurate?

A Yes, it is accurate.

MR. PUCCIO: I offer Exhibit 10 and 10A in evidence.

MR. BROWN: I have one objection to be heard at side bar.

THE COURT: A new one?

MR. BROWN: Yes.

THE COURT: Side bar.

* * *

* * *

THE COURT: Ready to proceed?

MR. PUCCIO: We are going to omit that 10-A1. It is to be all right with the Court.

THE COURT: All right.

The objections have been made and 10-A with be left for identification. 10-A1 is admitted into evidence.

And you are going to play the Exhibit 10 and stop it where the transcript ends on 10-A1; is that correct?

MR. PUCCIO: That is correct.

* * *

* * *

THE COURT: 10 and 10A1 are received in evidence.

(So marked.)

(Jury is in the box.)

THE COURT: Ladies and gentlemen, I have received in evidence Exhibit 10 which is the excerpt from the tape of January 31, 1980, telephone conversation between Mr. Maid and Mr. Moore. I have also received in evidence the transcript which has been marked 10-A-1. And it is the intention of the Government to play it to you and give you 10-A-1 right now.

(Pause.)

THE COURT: Anyone who does not have a transcript? All right, you may proceed, Mr. Puccio.

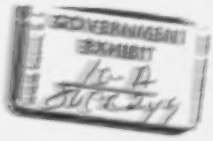
MR. PUCCIO: We are ready, your Honor.

(Tape played.)

THE COURT: All right.

DIRECT EXAMINATION

BY MR. PUCCIO (Cont'd):



Date: January 31, 1980

Time: 1:25 P.M. (approximate)

Place: Telephone Call from Michael Wald (Philadelphia) to Michael Myers (Washington, D.C.)

Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)

* * *

MM: Now what do you want me to do on the other thing?

MW: On what thing Oz? Ah, what I owe you.

MM: Yeah.

MW: Well, as soon as I come back oh I'll make you whole and, the other figure that I owe you as well.

MM: O.K. (PH).

Q Mr. Mid, did you have occasion to speak to Mr. Myers again?

A Yes, sir.

Q Was that on the same day?

A Yes, later that evening.

Q Specifically, when you spoke to Mr. Myers again, did you agree that someone would be coming to see him on Saturday --

MR. CACHERIS: Leading, your Honor. I object.

MR. PUCCIO: I am leading in the area because I'm trying to cover a certain particular item --

THE COURT: I will permit it.

Q Did you agree that someone would be coming to see him on Saturday, February 2nd, at Longport, New Jersey, at his home?

A Yes.

Q Who did you agree would be coming to see him?

A Mr. Poulos, the agent.

Q What was Mr. Poulos to see him for on Saturday, February 2nd?

MR. CACHERIS: Objection, unless he told him.

Q Did you tell him what Mr. Poulos was to see him for?

A Yes.

Q What was he --

A To deliver $85,000.

MR. PUCCIO: I have no other questions at this time.

THE COURT: Cross-examination, Mr. Duffy.

MR. DUFFY: Mr. Johanson passes.

THE COURT: Mr. Ben-Veniste?

MR. BEN-VENISTE: May I have a moment, your Honor?

THE COURT: All right.

(Pause.)

CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q No other money was given to Mr. Myers, was there?

A No.

Q Indeed, all that fumbling and putting $5,000 in an envelope, that didn't go to Mr. Myers either, did it?

A No.

MR. PUCCIO: Objection to the form.

THE COURT: Overruled.

Q Your answer?

A No, it didn't.

Q Now, you knew, did you not, that Mr. Melvin Weinberg was going to set up a meeting so that you could meet my client Howard Criden in January, 1980?

A Yes, sir.

Q You knew that Mr. Weinberg was supposed to get Mr. Criden to set up a meeting with Ozzie Myers so that you could meet with Ozzie Myers?

A No.

Q You didn't know that Mr. Weinberg had told Mr. Criden that he wanted to meet with Ozzie Myers?

A No, I wasn't aware of that.

Q Were you aware of the fact that Mr. Weinberg had arranged for Mr. Myers to be brought before the cameras on August 22, 1979?

A I had viewed a videotape of Mr. Myers in New York City.

Q Did anybody tell you what Mr. Weinberg had said either directly or through an intermediary to Mr. Myers about how he should behave at that meeting?

MR. PUCCIO: I object to the form. Also it assumes facts not in evidence.

THE COURT: Overruled.

A I am not sure I understand the question.

MR. BEN-VENISTE: Read the question.

THE COURT: Read the question.

(Question read by the reporter.)

A No, sir.

Q No one told you one way or the other?

A No one had mentioned it to me.

Q I think you said you had not met with Mr. Weinberg yourself?

A I had not.

Q Until very recently?

A True.

Q When was that recently you had met with him?

A Approximately two weeks ago, two and a half weeks ago.

Q Did you review the tapes and transcripts in this particular case?

A Only the ones I participated in.

Q As far as the meeting with Mr. Criden, which was in turn setting up a meeting with Mr. Myers, you had no knowledge about Mr. Weinberg's participation; is that your testimony?

A No. That is not my testimony.

I was told that MR. Weinberg had placed a call to Mr. Criden for the purpose of introducing me, and Myers did not enter into it. I don't know what was on --

the text of that telephone call, but Myers was not part of it as far as I was told by anyone. That came up later.

(Continued on next page.)

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Q What do you mean it came up later?

A It came up in conversation with Mr. Criden.

Q So if Mr. Weinberg had mentioned that one of the purposes in Mr. Criden meeting with you was for him to introduce Congressman Myers to you, that would be a surprise to you as you sit here?

A Yes.

Q And you say there was a conversation. Do you know whether there was more than one conversation between Mr. Criden and Mr. Weinberg to set up that meeting?

A I am only aware of one. It could have been more.

Q So if there were more, that would be a surprise to you?

A Yes.

Q So is it fair to say that the only thing that you know about, as far as Mr. Weinberg contacting Mr. Criden concerning meeting you, would be that one conversation?

A Prior to meeting me, yes.

Q Right. That one conversation?

A Yes.

Q And the day that he met Mr. Criden was what date, sir?

EXHIBIT 458

A The first time I met Mr. Criden I believe was the 18th of January.

Q Now, did you compare the transcript which is marked as Exhibit 7A with the tape recording?

A Which? I compared all of them at one time or another, yes.

MR. BEN-VENISTE: May I just have a moment, your Honor?

THE COURT: Yes.

MR. BEN-VENISTE: May I have the Court's indulgence.

Q Do you recall Mr. Criden's using a word in another language other than the English language during that meeting?

A He did use a word during one meeting that -- I don't know which meeting it might have been. We had several.

Q Let me show you page 178, very bottom of the page.

MR. BEN-VENISTE: May I approach the witness?

THE COURT: Yes.

Q You knew that Mr. Criden was Jewish, didn't you?

A Yes.

Q And you see the word in the sentence by Mr. Criden in the second line from the bottom, "I got something but I didn't get" -- and then it says "piecock." Did that make any sense to you?

A Absolutely none.

Q Do you know what the word "piecock" means?

A No. In the context in which he used it, I assumed it meant "nothing."

Q You assumed it?

A Nothing or very little. Only from the context. I had never heard that word before.

Q Now, had you studied psychology at all in the course of your official training?

A Somewhat in -- meaning FBI training or --

Q Yes.

A -- or education? FBI training, slight amount.

Q And during the meeting with Congressman Myers on the 24th of January, Congressman Myers was given a certain amount of liquor, was he not?

A Yes, I believe he had something to drink. Maybe he had two drinks.

Q Two tumblers of bourbon over ice?

A I know he had bourbon. How much, you know, I don't know. I didn't make the drinks.

Q You didn't pour the drinks?

A No.

Q Did you intentionally intend for Mr. Myers to imbibe alcohol?

A No. Certainly not.

Q So that when you offered him alcohol, that was not your intenti on for him to drink it?

A No. It was my intention to be sociable. It was a business situation and --

Q So you did.

A The normal thing to do.

Q You intended him to drink?

A I intended to make the offer. If he wanted to drink it, fine. If not, that's fine, too.

Q During the course of the tape there is -- as I listened to it -- I don't know whether you heard it, there is a great deal of clinking of glass -- ice in glasses that you can actually hear.

A Yes. Most of that was mine.

Q Yes. You weren't drinking alcohol, were you, sir?

A Yes. I had a little.

Q A little?

A Yes, I did.

Q You were aware of the fact that the clinking of cubes in a glass made another person -- it would have the effect of reminding him that he's got a glass in front of him and to drink as well?

A No.

MR. PUCCIO: I object to this.

THE COURT: Overruled.

The answer is no?

THE WITNESS: I was trying to condition Mr. Myers into drinking or or less? I had a sore throat. I was ill. I had a cold during that entire time. I was chewing ice.

Q Is it fair to say, sir, that in your conversation on the 25th of January -- and, of course, my client wasn't present -- but you mentioned tha -- you mentioned something about Moslem retribution. Do you recall that?

A Yes.

Q Is it a fact that you wanted to give the impression to Mr. Myers that Ernie was either a hit man or an enforcer in some way in connection with your organization?

A Yes. Qualified by the fact that if someone in our organization wanted to give him the impression that if someone in our organization had in fact doubled us, that

he would be in fact in serious difficulty, meaning employees of ours.

Q Serious difficulty. You weren't suggesting just being quiet, were you?

A I really wasn't suggesting anything. I just threw it out.

Q You were suggesting that he was going to get hurt, that Ernie was going to be sent out on a mission of retribution?

A That was a possibility, yes.

MR. BEN-VENISTE: Okay. Nothing further.

THE COURT: Mr. Cacheris?

MR. CACHERIS: Yes.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q Mr. Wald, you told the jury that you are an 11-year veteran of the FBI; is that correct?

A Yes.

Q Ten of those years you spent in the City of Philadelphia?

A No. In the Philadelphia division, which encompasses three-quarters of the State of Pennsylvania.

Q Now, in connection with the January 24th meeting, you consulted with your superiors about having

Mr. Myers brought back before the cameras, did you not?

A Would you repeat that?

Q In connection with the January 24th meeting, that's the first time you met Mr. Myers?

A Yes.

Q You had discussions with your FBI superiors and with prosecutors about bringing Mr. Myers back before the cameras?

A Yes.

Q Now, at that time you had discussed the areas that you wanted to talk to Mr. Myers about?

A No. I had pretty much finished talking to Mr. Myers about anything I had to do with him on the 24th.

Q I am sorry. You are correct, the 24th. Prior to the meeting of the 24th, the first meeting, the first time you met him, you had decided the areas you wanted to talk to him about?

A Yes.

Q You had decided those areas in consultation with or your superiors of the FBI and with federal prosecutors in Philadelphia?

A Yes.

Q Now, those discussions centered around the City of Philadelphia, the municipal government of Philadelphia?

A Yes.

Q You wanted to discuss with Mr. Myers the City of Philadelphia?

A Yes.

Q And, indeed, that's what you did discuss?

A Yes.

Q And so from the beginning of the meeting that occurred on the 24th of January, you told him about the City Council? You wanted to know what he could do for you at the City Council?

A Yes.

Q You told him about the zoning problems? You wanted to know what he could do about zoning problems?

A Yes.

Q And you discussed the hotel complex?

A Yes.

Q And you wanted to know what he knew or could do about the hotel complex? You discussed with him a limousine service?

A Right.

Q Is that correct?

A Yes.

Q Now, all of those things were prearranged between you and the prosecutors and your superiors in the

FBI as areas to discuss with Mr. Myers?

A Most of them, yes. A few of them were brought up. And there were other things that we discussed that came into it as we went along.

Q But that was the entire thrust and purpose of that meeting, to discuss the local affairs of Philadelphia?

A No. The real purpose of that meeting -- I was in Philadelphia doing other business with others. And Mr. Myers in a previous meeting with our people had stated that we should invest in his district. And I was touching base with him, to show him the type of investments we were looking at.

Q You were talking about local investments in the district?

A That's his district.

Q That's correct. But they were to be local investments? Local investments in the City of Philadelphia?

A Well, the City of Philadelphia, we spoke about coal. We spoke about many things. But the hotel was going to be in Philly.

Q And the City Council and the Municipal Government is all in Philadelphia?

A Yes.

Q And associated matters would all be in Philadelphia?

A Certainly.

Q Now, you told him also that your superior, this fictional Arab, was living in London then and was --

A No. I never told him where he was living.

Q I am sorry. You told him that he had viewed films in London of The Godfather and other Mafia type things, that he was paranoid about it.

THE COURT: Yes is the answer?

THE WITNESS: Yes.

MR. CACHERIS: Did I speak --

THE COURT: No. He was nodding, yes, and you were accepting it. We are supposed to have it on the record.

Q And you wanted to see what Myers would tell you about the Mafia, didn't you?

A Well, he brought it up in the conversation about Atlantic City.

Q He said, "Don't go to Atlantic City because the Mafia is there"?

A Yes.

Q You considered that bringing it up?

A Yes.

Q He told you not to go there because of the Mafia?

A Yes.

Q And then you took that as a cue to recite this fairy tale about The Godfather and how paranoid the sheik was about the Mafia?

MR. PUCCIO: Objection to the form of that, Judge.

THE COURT: Strike the "fairy tale."

Q This fiction.

THE COURT: You may answer.

A I thought it would be an appropriate avenue.

Q You thought --

A To discuss with him

Q You thought it would be an appropriate avenue.

Now, Mr. Myers told you not to deal with the Mafia?

A That's right.

Q He told you, you shouldn't deal with the Mafia.

A That's right. Unless we had to.

Q He told you that and you pressed him on that?

A Yes, I did.

Q Now, during the whole meeting, which I believe lasted -- what, an hour? 45 minutes?

A Approximately.

Q You had in the very next room agents of the FBI and two federal prosecutors?

A One, I believe, during that meeting.

Q All right. I will accept one. Was that Mr. Fioravanti?

A Yes, it was.

Q Did you and Mr. Haridopolos, who was posing as Ernie Poulos, have any code between you during the course of this meeting?

A No.

Q None at all?

A None at all.

Q You had no prearranged code words?

A None.

Q But you expected during the course of the meeting to receive instructions from the prosecutor as to how to proceed?

A From my immediate boss, not from the prosecutor.

Q Did you in the series of phone calls that have been shown on the television -- you have seen them, of course -- talk at each instance to one of your FBI superiors?

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A Always to one, Mr. Best.

Q And Mr. Best was a special agent in charge?

A Yes.

Q And Mr. Best was also viewing this video proceeding from the adjoining room?

A That's correct.

Q So that he was able to call you and clue you and instruct you during the course of this meeting?

A Yes. He had that capacity, yes.

Q Well, he did it?

A On occasion. Not all the calls were for that reason. But, yes, I received instructions to pursue a certain area.

(Continued on next page.)

Q In other words, as they were viewing the video tape and they saw a certain area, you were to pursue it?

A Yes.

Q Did they tell you at certain times to examine certain areas?

A The only thing that related to that was the last telephone call in that tape and he said, try to get rid of him. He said, it's late.

Q Try to wrap it up and get rid of him?

A Yes. He said, you have been there a long time. You guys are just looking at each other at this point.

Q I am sorry.

A He wanted me to end that particular tape because it had gone on for quite some time and we had pretty much exhausted what we had been talking about anyway.

Q Now, was your purpose also to strike what you called a new bargain; isn't that correct?

A Yes.

Q And that was the bargain that you wanted to strike concerning the local events that we described earlier?

A Yes.

Q Now, in connection with the Mafia, Mr. Myers told you he heard or knew of Angelo Bruno?

A That's correct.

Q And as an agent of the FBI, you knew who Angelo Bruno was?

A Certainly.

Q Anyone who would read the Philadelphia newspapers would know who Angelo Bruno was?

A Yes.

Q He was as familiar in philadelphia as Frank Costello was in New York?

A Probably more so.

Q Probably more so. So it didn't require any special knowledge to know Angelo Bruno's name?

A No.

Q He also told you he knew a Tona Testa?

A That's correct.

Q And do you know a Tony Testa?

A No, I do not personally. I know who he is.

Q You know who he is?

A I heqrd of a Phillip Testa.

Q That's right. There's no Tony Testa in the Mafia.

A Phil Testa.

Q He told you that he knew a Skinny Razor whose big in Philadelphia in the South Ward isn't he?

A He mentioned the name. I never did put

that together.

Q Well, did you try to investigate who this Skinny Razor was?

A No.

Q Had you heard of Skinny Razor before?

A No.

Q Did you know that Skinny Razor had been dead for 16 years?

A I had never heard of him so how could I know he was dead.

Q But that was put on you as a big man in the Mafia by Mr. Myers.

A He did mention the name, yes.

Q He did that and you had never heard of him?

A No.

Q Now, at the end of this conversation, Mr. Myers had been drinking as you described.

A He had two drinks, yes.

Q At the end of this conversation you got a phone call --

MR. CACHERIS: And, Mr. Puccio, do you want to show him page 166 of the Exhibit.

Q Does page 166 of that Exhibit -- at the

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bottom of 165, Mr. Wald, where the sentence of Myers talking, "Ok, I am personally not looking to do that".

Phone rings.

A Right.

Q And then continuing, Myers says, "Now, if that's what I should do, you tell me that.

Phone rings".

Is that correct?

A Yes.

Q Is that the call that you received from Mr. Best telling you to wrap it up?

A One of those two would have been that call.

Q Well, the phone rings, but you answered. You didn't answer twice, did you?

A There were two phone calls near the end of that conversation if I remember correctly. Very close.

Q Both phone calls deal with you wrapping it up?

A No. I'm sure at least one of them did.

Q In wrapping up, you summarized the events of the evening didn't you?

A Yes. To some degree, yes.

Q You told him that there were three points

that were decided upon on that evening as far as you were concerned?

A That's right.

Q Those points were what?

A Any City Council -- influence with the City Council.

Q Right.

A Dealing with any organized crime elements that would give us any type of problem. And I am not sure what the third one was at this point.

Q You don't know what the third one was/

A I don't know.

Q Zone?

A Zoning, yes.

Q So those three problems, City Council, Zoning and the Mafia were the points that you summarized as being the new bargain that you think you struck?

A Yes.

Q And none of those have anything to do with the United States Congress?

A No. Not a great deal.

Q That's correct, isn't it.

Now, when you called him back again on the 25th of January for the next meeting -- and did you call

him?

A Yes.

Q Was that based on a decision between you and the prosecutor to get him back again?

A That was based -- I had told him I would be in touch with him. And it was based on a decision made by my superior, Mr. Best, to try to set up a meeting with someone else through Mr.Myers.

Q And you did get him back?

A Yes.

Q And again you recited to him by summary form that the new bargain was the local events you just described for us?

A Yes.

Q And again none of those dealt with his position as a United States Congressman?

A Yes.

Q Isn't that correct?

A Well, it is -- not -- I don't really understand that. His position as a Congressman --

Q They dealt with local municipal events in Philadelphia?

A Yes.

Q Zoning, City Council and the Mafia. You

don't suggest that the Mafia then is in the United States Congress?

A I wouldn't make that suggestion. But I would like to answer the question. The fact that he was a Congressman and, you know, is the reason I was talking to him, the fact that he had that position.

Q The fact that you were a Congressman is why you were talking to him?

A Well, that's where his influence would come in. If he was Michael Myers, cab driver, he would have no influence politically within the City of Philadelphia.

Q You don't know that to be a fact? If he was Michael Myers, longshoreman, he might have a lot of influence in the City of Philadelphia?

A Yes.

Q Just because he had the title indicates he deals in Congressional matters day and night, does he?

A I had been told by Mr. Criden that he was also a Ward Leader in the --

Q Alright. A Ward, that's local. A Ward Leader is not a United States Congressman?

A In this case it is.

Q It happened to be in this case?

A Yes.

Q In fact,Mr. Myers told you because of his longstanding friendship he knew people in the City of Philadelphia?

A Yes.

Q He grew up in the City of Philadelphia?

A Yes.

Q He worked in the City of Philadelphia? That was personal. Friendships that he had. Isn't that correct?

A I would believe so. Yes.

Q Now, near the end of the conversation after you had been told to wrap it up by your superiors, and that's the first conversation of January 24th, and I direct your attention to page 171, he told you, "I'm not going to run out, you know, say, well here's X amount of bucks, go out and introduce this bill. I'm not interested in a f'ing bill that's going to get me shanghied the next day".

Didn't he tell you that?

A Yes.

MR. CACHERIS: No further questions.

THE COURT: Mr. Brown, any questions?

MR. BROWN: No sir.

MR. DUFFY: I've got a few. I only passed.

THE COURT: Ok.

CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Wald, are you telling this Jury, sir, that the only reason you brought Ozzie Myers into the Barclay is that at the meeting in Kennedy on the 22nd of August he mentioned something about investing in his district?

A No. That would not be the only reason. That was the rationale behind meeting him.

Q Weren't you aware at the time you brought Ozzie Myers into the Barclay Hotel, that the folks in the FBI were dissatisfied with Weinberg?

A No. I never knew -- I still don't know that anyone was dissatisfied with Weinberg.

Q You didn't hear from any of your superiors that Weinberg was suspect of setting people up or skimming money?

A I never heard that.

Q Weinberg had been the one who was in on all of the meetings up until that time, was he not?

A I don't know if he was or not.

Q With Amoroso?

Did you read the reports?

A No.

Q Did you look at any of the files?

A I watched I believe two or three video tapes.

Q Wasn't Weinberg inthere?

A He was in two of them I believe.

Q He never struck you as a subject of inquiry to say, what happened to Mel?

A What do you mean, what happened to him?

Q Why wasn't Mel running the Philadelphia skam?

A Running the Philadelphia skam? Philadelphia was a City. I was told, you're Michael Cohen. And that's it. I didn't inquire why Mel --

Q Mel was a peripatetic individual? He went from Florida to Washington to New York to Jersey, why not Philadelphia? Did that ever occur to you?

A No.

Q You were brand new to this operation, were you not, in January of 1980?

A Yes.

Q Just brought into it?

A Yes.

Q Are you telling this Jury that Ozzie Myers was not at all affected by the licquor he consumed when he met with you that night, the 24th?

A He appeared totally rational and sober to me at that time.

Q And at all times through that meeting?

A Yes.

Q You didn't pour the bourbon, did you?

A No sir, I did not.

Q But it was a full size table glass, wasn't it? We can look at the film.

A They were regular hotel type glasses. I think seven ounces or six ounces.

Q And just straight bourbon, right?

A I have no idea.

Q Well, you were there in the room.

A I did not watch the drinks being made. It was in a bar area in a different location.

Q The man sat in front of you and no further than I am from the end Juror, am I right? And are you telling this Jury that you didn't see the whiskey.

A I never looked to see, you know, what was in his glass or how much. I had one of my own.

(continued on next page)

Q Could have been iced tea?

A I doubt it. He asked for bourbon. I'm sure he got bourbon.

MR. DUFFY: Your Honor, I don't mean to be disrespectful with the next question but I feel I have to ask it with all due respect to the ladies in the Courtroom.

Q In the beginning of that meeting with Ozzie Myers, he never said fuck, did he?

A I don't know in that meeting when and where he might have said that.

Q But he said it regularly towards the end, didn't he?

A Yes.

Q You studies psychology?

A Yes.

Q You know what booze does to the tongue?

A Booze does to the tongue?

Q To the inhibitions?

A Yes.

Q Alcohol reduces inhibitions? I don't want to turn you into a doctor but you know that?

A He had a tendency to do that.

Q Toward the end of that meeting that word

was frequently in Ozzie Myers conversation?

MR. PUCCIO: I object to this unless you qualify Mr. Wald as an expert.

MR. DUFFY: He already answered.

THE COURT: Overruled.

Q It did not --

A The same thing held true --

Q Answer my question, will you please.

A Would you repeat it?

Q Towards the end of the meeting, isn't it true, that Ozzie Myers uses that four letter word frequently?

A Yes.

Q You didn't connect that at all with the state of sobriety?

A No.

Q He didn't have just one of those seven ounce glasses of bourbon did he?

A I don't know if he had a seven ounce glass of bourbon.

Q I am only going on what you told the Jury. You want to make it six?

A I would like to qualify that particular drinking thing. I asked him if he cared for a drink and he said yes, I will will have bourbon.

I said I will have one too.

Q We saw it.

A Mr. Poulos made the drinks. I believe we both had a refill.

I don't know if that was that much in the glass or --

Q You're indicating about a foot?

A Certainly not. You saw the tape. Regular highball glass.

Q When you brought Ozzie Myers into Philadelphia, isn't it true one of your purposes was to get him to admit on that tape with the cameras running that he had traveled to New York from another state on August 22nd?

A Categorically, no. I never expected him to mention it.

Q Isn't it true one of your purposes was to find out on this tape whether he got money in New York on August 22nd?

A No. I had viewed the video tape in New York and knew he had a package.

Q You only knew he was handed a package?

A Yes.

Q You didn't know if he kept it?

A No.

Q Are you telling the Jury one of your assignments was not to find out how Ozzie got to New York on the 22nd of August?

A That's right.

Q One of your assignments was not to find out whether he -- or to get him to admit that he accepted money or received money on August 22nd?

A That's right.

Q One of your assignments is not to find out the way he got to New York on August 22nd?

A That's correct.

MR. DUFFY: May I have a moment, sir?

(Pause.)

Q You were in the room with Ernie Poulos, weren't you?

A Yes.

MR. DUFFY: Next week I will have a helper but I have to look for it myself now, your Honor.

THE COURT: It's alright.

(Pause.)

MR. DUFFY: Unless somebody wants to volunteer over there.

THE COURT: If we knew what you were looking for --

MR. DUFFY: I know, but I don't want him to know yet.

(Pause.)

THE COURT: We will be patient.

MR. DUFFY: Thank you, your Honor.

(Pause.)

MR. DUFFY: I am really embarrassed. Mr. Ben-Veniste has a question or two, may I sit down and find it while he goes on? I will find it.

THE COURT: Yes.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Is it fair to say Mr. Wald that in terms of the assets of this mythical Arab you wanted to appear it would be carte blanche?

A Yes.

Q In terms of Philadelphia, that meant great things could be built in Philadelphia that would help the city?

A Yes. Hotel.

Q And the Hotel, as far as you're discussing it with Mr. Myers, could be located in South Philadelphia?

A Yes.

Q And South Philadelphia did not have a luxury hotel at that time did it?

A Luxury hotel?

Q Thirty-four and a half billion dollar hotel.

A Not like that.

Q South Philadelphia is a working class area.

A Yes.

Q Now, with respect to other projects you were talking to him about the construction on the waterfront?

A Moving coal through the waterfront.

Q Construction of a pier, did that come up?

A Yes.

Q Building a new pier?

A The City would pay for that.

Q To get back to hotels, were you aware that the City of Philadelphia had a great need at that time for hotel construction?

A Yes.

Q That the City itself was clamoring for this kind of construction?

A Any type of construction.

Q This would mean jobs in the construction field?

A It would mean jobs in running the hotel

for people who would work there?

A Yes.

Q It would mean in increase in the city tax roles, that is the business would generate income that in turn would go into the City coffers?

A Yes.

Q You were aware there were certain depressed areas within the City of Philadelphia?

A Yes.

Q Some of which were in Mr. Myers' district?

A Yes.

Q You were aware were you not, that Mr. Myers was very, very concerned about jobs?

A Yes.

Q And providing jobs?

A Yes.

Q Indeed, he stressed this on many occasions, the City of Philadelphia needs more jobs, we have to put people to work?

A Yes.

Q Indeed, every time Mr. Myers mentioned one of the things good for the City of Philadelphia, you said: We could be right there with the money?

A I don't remember saying that.

Q Did you ever say there was any project that was suggested that you didn't have the funds to accomplish?

A No, I gave him the impression we had what amounted to the unlimited funds --

MR. BEN-VENISTE: Nothing further.

MR. DUFFY: One other area before I turn to what I was looking for.

CROSS EXAMINATION

BY MR. DUFFY:

Q Did you cover that with Mr. Criden, how Ozzie got up to New York, wasn't that part of your assignment too?

A No, as I said before it was never part of my assignment.

Q Regardless of whether it was, did you do that?

A No.

Q Was it done in your presence?

A It was brought up by Mr. Myers late on that day of the first tape.

Q Would you look at page 26 of the transcript of 7A where the conversation is with Howard Criden, turn back to the bottom of 25 if you will.

A Yes.

Q You say -- can you go through it with me?

A Yes.

Q This is an accurate transcript?

A Yes.

Q And you are present at that meeting and this was said in your presence?

A Yes.

Q There is an MW, that is you?

A That is me.

Q Ernie said: "Ah, I, Ah I was at ah at the airport, remember when Ah Ozzie met Ah Tony."

You said: " You met him. You've met him."

Ernie says: "No. I never met him. I just went downstairs. You know it was one of those things. I had to go downstairs. I didn't see you around."

Howard says: " I was there."

Ernie says: "You were at the airport that day? I didn't see you."

Howard says: "That was my first one."

Ernie says: "What. I thought it was, I thought it was, who did you call it..." and

Howard says: "The one Ange brought." and

Ernie says: "Yea, Angie brought." and

Howard says: But where do you think Ange

got it from?" and

Ernie says: "Yea, from you." and

Howard says: "ok." and

Ernie says: "But, but you weren't there." and

Howard says: "I didn't go up to the room, no, I brought him up to New York."

EH "And I didn't see ya in the lobby, because I was sittin'...(IA)...

HC: No, I was just at the airport.

EH: Oh. I don't know how he got there, I don't know whether he drove up or, did he fly up that day?

HC: No, we took him up.

EH: He drove up?

HC The other guy flew up from Washington ...(IA)...

EH: Ah, ah, the other...

HC: The other guy...

EH: Yea, I saw you, you...we, we sent the drink over to you. Ah,ah..."

And then so forth.

Q Were you there during this conversation?

A I was there during the conversation.

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Q Are you telling this Jury -- this may have been asked and answered and if it was I apologize -- are you telling this Jury that the FBI had not virtually disowned Mel Weinberg by January 1980?

MR. PUCCIO: Objection, asked and answered.

THE COURT: I will permit it.

A I had no idea what Weinberg's relationship with the FBI was then, now, or previous to that time.

Q You were working on the same scam, is that correct?

A Working on the Philadelphia end of it.

MR. DUFFY: I don't have anything further.

THE COURT: Any redirect?

MR. PUCCIO: No. Sir. I have to go call another witness. Perhaps we should take a recess.

MR. BEN-VENISTE: Can I ask one question while Mr. Puccio makes up his mind?

THE COURT: He is trying to wait for me to make up my mind.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q One thing, with respect to Testa, you knew that Mr. Myers gave you the wrong first name for Mr. Testa?

A

A Yes.

Q With respect to a Skinny Razor, he was supposed to be a Mafia figure, with all the capability and computers that the FBI has and criminal investigation network, from that day up until today, did anybody run that name through the FBI computer?

A I don't know.

Q As far as you know no one ever did?

A As far as I know.

Q You don't argue the fact that the man has been in the ground for 16 years?

A I don't know.

Q Despite when Mr. Myers was telling you in response to your question about the Mafia, who he was knew was big in the Mafia, he mentioned Skinny Razor, is that correct?

A I never asked him that. He brought up his name. I knew Bruno, Maguchi, and he got a half name right.

Q These are people he's supposed to know personally?

A Yes.

Q When you say he got half a name right, that is if I call you Jack Wald, that would indicate to you I was in good --

A Certainly knew something about it.

Q Knew your last name which could have been read in the papers?

MR. PUCCIO: I object to the statement.

THE COURT: Sustained.

Q With respect to Skinny Razor, it would be more accurate to say he was deep in the Mafia as opposed to big (indicating)?

A You say he's dead for 16 years.

Q You never checked it out?

A No.

MR. PUCCIO: I Object.

MR. BEN-VENISTE: Nothing further.

THE COURT: We'll take a short recess.

* * *

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THE COURT: Alright, Mr. Puccio, next witness.

MR. PUCCIO: We call Mr. Best, your Honor.

E D G A R M. B E S T called as a witness being duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: Ladies and gentlemen, I am not sure as to the full extent of Mr. Best's testimony but I have been informed by counsel that one of the things he will be testifying to is certain statements made to him by the defendant Johanson either on or shortly after February 2nd, 1980.

I have given you a variety of limiting instructions before. I will give an even more stringent one now as to this testimony. As to whatever Mr. Best tells you that was said to him by Mr. Johanson, assuming that's the thrust of this testimony, that testimony can only be used by you

in determining the guilt or innocence of the defendant Johanson. You may not consider that testimony in sense as relating to the other three defendants.

I will give you a final instruction or rather a detailed explanation with respect to how you may use statements, conduct by various people when they are accused as the four defendants are here as being involved in a conspiracy. There are a number of special rules that relate to those things. And some of the limiting instructions I have given you are tied in with those rules. And I will have to modify some of these limiting instructions that I have given you and give you some other instructions as to how to deal with those various items. I will try to clear all that up for you. But one of the -- you should view any statements made by Mr. Johanson that may be testified to by Mr. Best as having been made at this time, that is, February 2nd or later, as being related strictly to Mr. Johanson and not to the other defendants. And you would use them primarily for determining one of the issues that you will have to determine for each of the defendants and that is whether or not he was in fact a member of a conspiracy, if you find that indeed a conspiracy did exist. And you have to make that

finding with respect to each defendant separately based upon what that defendant did and not based on any statement that anybody, any of the other defendants may have made about it.

That is a very, very short version of what I will explain to you later when it's time for you to deliberate. But all that needs to be said for the moment, the purpose of this testimony by Mr. Best, you may just think we only have one defendant involved and that is Mr. Johanson. None of the others with respect to none of the others may it be weighed in your determination.

Alright, proceed, Mr. Puccio.

Q Mr. Best, by whom are you employed?

A The Federal Bureau of Investigation.

Q For how long a period of time have you been employed by The Federal Bureau of Investigation?

A A little over 20 years.

Q What is your present occupation, sir?

A Special Agent in Charge, Philadelphia Division.

Q For how long a period of time have you been a Special Agent in Charge of the Philadelphia Division of the FBI?

A Almost 2 years.

Q Now, direct your attention to Saturday, February 2nd of this year. On that date did you have occasion to interview Councilman Louis Johanson?

A I did.

Q Where did this interview take place, Mr. Best?

A In my office.

Q In Philadelphia; is that right?

A That's correct.

Q Now, prior to commencing this interview with Mr. Johanson, was he advised of his rights regarding self-incrimination?

A He was.

Q And about how long a period of time -- about how long did this interview take? Do you recall?

A From the time he was in our office here until he left, it was approximately 6 hours.

Q Now, at some point during this interview, did you advise Mr. Johanson that the FBI had video tapes?

A I did.

Q And subsequent to that, did you question him about a trip to New York City during August of 1979?

A Yes, I did.

Q Did he in fact tell you that he had

traveled to the vicinity of a hotel near Kennedy Airport during August, 1979 in connection with a meeting with Mr. DeVito, a Mr. Weinberg and another person?

A He did.

Q During this interview did Councilman Johanson tell you that as a result of this trip he received a sum of money?

A that's correct.

Q Did he tell you that he in fact had observed the sum of money in large denominations wrapped in rubber bands?

A He did.

Q And did he tell you in fact that there was less money than was actually expected?

A Yes, he did.

Q Now, at one point in the interview, Agent Best, did you say -- did you ask this question of Mr. -- or Councilman Johansen? Did you say to him Councilman do you understand the ramifications of this type of influence peddling?

A I did.

Q And what did he say to you? Do you recall?

A He said that he did realize the seriousness of this type of activity. As a matter of fact, he went

on to say that since July of that year he had many sleepless nights.

MR. PUCCIO: I have no other questions.

THE COURT: Cross examination.

CROSS EXAMINATION

BY MR. DUFFY:

Q Agent Best, you are the head man in Philadelphia?

A I am the Special Agent in Charge.

Q Tell the Jury what that is? That's the boss; is that right?

A Yes, that's the senior agent in charge.

Q You have been with the Bureau for 20 years?

A That's correct.

Q Are you a lawyer?

A I am law trained.

Q Did you go to law school?

A Yes.

Q Like all of us lawyers here?

A That's correct.

Q So you had college and then three years of law school?

A That's correct.

Q So on the night you had Louie Johanson in the office of the FBI for six hours, you knew what you were doing and what you were after, did you not?

A Yes, I did.

Q And tell this Jury, Louie asked to have a lawyer there, didn't he?

MR. PUCCIO: I object, your Honor.

I will withdraw the objection.

THE COURT: Overruled.

Q Didn't he?

A That's not quite correct.

Q Well, Mr. Puccio asked you if you advised him of his rights?

A That's correct.

Q Did you do that?

A Right.

Q When you advise people of their rights, you read from a card that says, you have a right to have a lawyer present during the interrogation and things like that, right?

A Yes.

Q And you told that to Louie, didn't you?

A Yes.

Q and Louie said, I want to call a lawyer,

didn't he?

A No, he didn't. At first he said that he read the advice of rights, which was a printed form. I asked him if he understood it. He said he did.

Q Alright.

A But at that point --

MR. DUFFY: Your Honor, I object to this characterization. I am asking the witness if he --

THE COURT: You just want the --

MR. DUFFY: I am asking him if Johanson asked that he wanted a lawyer. That can be answered, yes or no.

THE WITNESS: At one point he asked telephonically to contact an attorney. That's correct.

Q Are you telling us that he told you, I would like to telephonically contact an attorney?

A He said, can I use your telephone to call an attorney.

Q He tried to get one for an hour or an hour and twenty minutes, didn't he?

A Yes.

Q He didn't get a lawyer?

A No.

Q Because you got these fellows in on a

Saturday night, right?

A He came in on a Saturday night. That's correct.

Q And you were aware what most criminal lawyers are doing on Saturday night, weren't you?

A No.

Q In the office of the FBI in Philadelphia, tell this Jury on the day, February 2nd, 1980, did you have video tape equipment?

A Yes.

Q Did you have Nagras?

A Yes.

Q Did you have other tape recording equipment?

A Yes.

Q And you were interviewing Lou Johanson with an eye toward sitting in that seat where you sit right now and telling twelve, sixteen people what he told you, were you not?'

A I didn't think of it that way. We were trying to find out what the truth of the facts were.

Q Well, you weren't spinning your wheels, were you, Agent Best? You knew you were trying to get a statement to tell a Jury some day?

A Not necessarily. We were interested in what he could tell us to be the truth of a situation.

Q Well, what did you intend to do with the truth? Send it to the other guys or tell the Court?

A No. Provide it to the prosecutors.

Q And come into Court and testify as a witness right?

A That would be their decision.

Q But -- and they decided to have you here today, didn't they?

A that's correct.

Q And you don't have a video tape of Lou Johanson, do you?

A No, we do not.

Q And you don't have a tape recording of this statement you say he gave you, do you?

A No, we do not.

Q Because you didn't bother that night to do it, did you?

A We didn't do it. No.

Q And you don't have a typewritten statement or handwritten statement that's signed, Louis C. Johanson, do you.

A Not because we didn't ask him to do that.

Q Answer my question.

A We don't have it because we didn't try.

Q Alright. What you had -- what you have is your word.

THE COURT: Wait a minute. He said, we don't have it because we didn't try. Is that what you mean.

THE WITNESS: Yes. We asked him to do just that, provide us with such a statement.

Q And he wouldn't do it?

A Yes. He was ready and willing to do it the following day.

Q But he got a lawyer, didn't he?

A that's correct.

Q Alrigh

is Edgar Best's word -- I

it?

A Edgar.

Q Edgar

that room in the Office o

on the night of February

A As wel

Q But yo

signature on it? You don

this case is all about, do you?

A No. We have got a receipt for the return of bribe money.

MR. DUFFY: Objection, sir. That is not responsive.

MR. BEN-VENISTE: I move to strike and admonish the witness to answer only the question.

THE COURT: The objection is sustained. Disregard the answer.

Read the question back to the witness.

(Record read.)

THE WITNESS: That's incorrect in part.

Q On the night that you took this statement or you interviewed Lou Johanson, you didn't video tape him, did you?

Q What did you say?

A I said, do you understand the ramifications of this type of influence peddling.

Q And Louis -- you have in your report -- you prepared this report, did you not?

A Yes.

Q You signed it?

A Yes.

Q You attest to your superiors at the Bureau that what was in there was true, am I right?

A Yes.

Q Did you write in your report, he stated that he had been aware of the dangers of these dealings since July, but it was a chance to make some easy money and he decided to go forward. Is that what you wrote?

A Yes.

(continued on next page)

Q And then did you write, according to Johanson, he had many sleepless nights since it began, but that his family situation pressured him greatly? Is that what Louie told you?

A Yes.

Q He then related that his son Louis Jr., an alcoholic at age 25, is currently hospitalized with extensive liver damage and the prognosis indicated very large medical expenses in the immediate future. Is that what Louie told you?

A Yes.

Q And we just have your recollection; is that right?

A As well as two other special agents.

MR. DUFFY: That's all.

THE COURT: Any other questions?

MR. BEN-VENISTE:

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Best, you were away from January [illegible] investigation of this case up to [illegible] Brooklyn, is that correct, sir?

A That's correct.

Q And you pushed for Philadelphia getting some share of the investigation; is that true, sir?

A We were interested in some aspects of the investigation, yes.

Q There was a time when you -- when you specifically requested that you be allowed to get a crack at ABSCAM, run by the Philadelphia FBI Office; is that right?

A Yes.

Q And in that connection, sir, is it fair to say that a request was made of Mr. Weinberg to do something?

A No, I never requested him to do anything.

Q If you listen to my question, sir, my question was, is it fair to say that a request was made of Mr. Weinberg to do something?

A That's possible. Yes.

Q Well, you were in charge of the Philadelphia investigation?

A That's correct.

Q And you were concerned with how it was going to be set up, were you not?

A Yes.

Q And you had determined for whatever reason that you weren't going to use Mr. Weinberg; is that correct?

A We had no use for Mr. Weinberg in our --

Q I understand. With respect to Mr. Weinberg, sir, do you not know that Mr. Weinberg was instructed to call Mr. Criden in order to introduce Mr. Criden to the new cast of characters?

A Yes, I believe that's correct.

Q And do you not know, sir, that Mr. Weinberg was asked to tell Criden --

Do you not know, that Mr. Weinberg was asked to ask Criden whether he could get a hold of Ozzie Myers and introduce him to your agent?

A I have no knowledge of that conversation.

Q You don't?

A No.

Q You were in charge of the -- you don't recall such a message being brought to you, that such a request was made?

A At no time did we direct Mr. Weinberg at all.

Q No. But you were coordinating with someone else, were you not?

A That's not how we made our connection.

Q Pardon me?

A That is not how we made the connection.

Q Weren't you coordinating with the FBI

Office in New York?

A To a limited degree at that point.

Q Well, didn't you know it was going to be Mr. Weinberg who made the introduction of Mr. Criden to your new cast of characters?

A No. We were going to use a different situation.

Q Well, do you not know that in fact Mr. Weinberg called Mr. Criden?

A That's possible. I'm not aware of it.

Q Let me see if this refreshes your recollection, sir.

MR. BEN-VENISTE: I am showing the witness a recording -- a transcript of a recording marked as number 1589.

Q I would like you to take a look at it.

THE COURT: 1589?

MR. BEN-VENISTE: Yes. January 11, 1980. That's not the 3500 -- it is the FBI number. This witness may not be familiar with our 3500 code.

THE COURT: How is anyone reading the record going to know what you are talking about.

MR. BEN-VENISTE: Maybe Mr. Levy can help us.

MR. LEVY: 3500-230A.

THE COURT: Thank you Mr. Levy.

Q Take a look at the first page of that, please, Agent Best.

MR. BEN-VENISTE: May I ask the questions from here?

THE COURT: Yes.

Q Now let me ask you to review pages 2 and 3, sir?

A Ok.

Q Doew that refresh your recollection, sir, that indeed Mel Weinberg telephoned Howard Criden and asked Mr. Criden whether he would be willing to get a hold of Congressman Myers and introduce him to these new fellows who were going to be in Philadelphia?

A That's what that appears to say, yes.

Q Do you have any reason to doubt that?

A No.

MR. BEN-VENISTE: Nothing further.

MR. CACHERIS: No questions at this time.

THE COURT: Mr. Brown, any questions?

MR. BROWN: No, your Honor. Thank you.

THE COURT: Any redirect?

MR. PUCCIO: May I have a moment, your

Honor.

THE COURT: Yes.

MR. PUCCIO: Your Honor, I won't pursue this witness. I will call Agent McMullen.

THE COURT: I take it, there are no more questions for Agent Best.

MR. DUFFY: No sir.

THE COURT: Thank you,Mr. Best. You may step down.

(Witness excused)

THE COURT: Next witness.

MR. PUCCIO: We call Agent McMullen.

R I C H A R D M C M U L L E N called as a witness, being duly Sworn by the Clerk of the Court testified as follows:

THE COURT: Alright, Mr. Puccio:

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. McMullen, by whom are you employed?

A the FBI.

Q For how long a period of time have you been employed by the FBI?

A In excess of 15 years.

Q Are you assigned to any particular office

within the FBI?

A Yes. I am an Hauppague resident agent of the Brooklyn-Queens Office.

Q On February 2nd of this year, did you have occasion to speak to Congressman Michael Myers?

A Yes, I did.

Q Where did this conversation take place?

A In a home in Longport, New Jersey.

Q That's where Congressman Myers was staying; is that right?

A That's correct, sir.

Q At the time of this conversation were you accompanied by any other members of the FBI?

A Yes. Special Agent James T. Mahr of the Philadelphia office.

Q Now, prior to speaking to Congressman Myers -- withdrawn.

Why don't you tell us what you said to Congressman Myers and what he said to you and Agent Mahr, as best you can recall?

A Yes. On February 2nd, 1980, we arrived at the residence in Longport, New Jersey, approached the house. Congressman Myers was standing near the door looking out the window, saw us approach, opened the door. We identified our-

selves by displaying our credentials, handed our credentials to Congressman Myers. He took both sets, examined them, handed them back to us and invited us into the house.

We sat in the -- what I would believe to be the living room of the house where we told Congressman Myers that the FBI was conducting an investigation into the activities of Tony Devito, Mel Weinberg, Angelo Errichetti, Howard Criden and Michael Cohen. He was asked if he was acquainted with any of these individuals.

Congressman Myers replied that he knew Howard Criden to be an attorney, Philadelphia attorney, that he knew Angelo Errichetti to be the Mayor of Camden, New Jersey. And he was not acquainted or did not know Tony DeVito, Mel Weinberg or Michael Cohen.

At this point of the interview, Special Agent James Mahr advised Congressman Myers of his rights by reading to him the contents of a form known as Interrogation, Advice of Rights. He handed the form to Congressman Myers. Congressman Myers studied the form for a few minutes, handed it back to Special Agent Mahr. Special Agent Mahr asked the Congressman if he understood the contents of the form. Congressman Myers stated, very clearly.

Congressman Myers was asked for a second time, do you know Mr. DeVito, Mel Weinberg, or Michael Cohen. He stated

again, no, he did not know these individuals. He stated that he did know Howard Criden to be an attorney --

MR. BEN-VENISTE: Objection.

Q Alright. Agent McMullen, during the course of this interview, was Congressman Myers asked for the third time if he knew Tony Devito, Mel Weinberg and Michael Cohen?

A Yes, he was.

Q And what did he say for the third time?

A He did not know either -- he did not know any of the individuals. Did not know Tony DeVito, Mel Weinberg or Michael Cohen.

MR. PUCCIO: No other questions.

THE COURT: Cross examination.

CROSS EXAMINATION

BY MR. CACHERIS:

Q Agent McMullen, when you went to this house in Longport, did you tell Mr. Myers that he was under investigation?

A Not specifically. No sir.

Q did you tell him that Tony DeVito was really an FBI agent named Anthony Amoroso?

A No sir.

Q Did you tell him that Mel Weinberg was an undercover agent, FBI operative?

A No sir.

Q Did you tell him that Michael Cohen was really an FBI agent named Michael Wald?

A No.

Q did you tell him that you had or the FBI had video tapes showing Mr. Myers in August and January?

A No sir.

MR. CACHERIS: No further questions.

THE COURT: Any other questions? Mr. Ben-Veniste?

MR. BEN-VENISTE: May I have a moment, your Honor.

THE COURT: Yes.

MR DUFFY: May I have one more shot, your Honor?

THE COURT: Yes.

CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. McMullen, were you aware when you went to see Congressman Myers that in an interview with Cohen, who is really Wald, Cohen told him that the Arabs attended to people that got out of line with Moslem retribution administered by Ernie Poulos?

A No sir, I don't believe I was aware of

that.

MR. DUFFY: That's all.

THE COURT: Mr. Ben-Veniste.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Did you do anything to indicate in that regard, sir, that there would be no danger to any of those individuals if Mr. Myers were to discuss that with you?

A I don't remember.

Q In other words, in connection with the undercover names that you mentioned, Cohen, Weinberg and DeVito, did you indicate anything to Mr. Myers that these were just a put on?

A The Me. Weinberg name is a true name. But I didn't indicate to him at all that Tony DeVito or Michael Cohen was an assumed name.

Q You say you had received no briefing to the effect that Agent Wald had told Myers that if any of these individuals got out of line that Poulos was going to kill them or do something serious to them in the way of physical retribution?

A No sir. I never received a briefing like that.

MR. BEN-VENISTE: Nothing further.

McMuller

THE COUR

MR. PUCC

THE COUR

McMullen. You may

(Witness

[redacted]

[illegible]

[illegible]

[illegible]

APPEARANCES: (Continued)

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THE COURT: Good morning.

Do you have another witness,Mr.Puccio?

MR. PUCCIO: We will have no further evidence at this time.

THE COURT: The Government rests.

Any motions?

MR. BEN-VENISTE: Yes, your Honor.

We would move to dismiss each count of the indictment ont the ground that the Government has failed in its necessary burden at this stage. I won't belabor the point that we have made, however, the evidence does not demonstrate the conspiracy charge. The evidence does not show other than the fact that this was a sham proceeding from beginning to end that the Government agent arranged for Congressman Myers to act out a role and all actions which he took were confident with his doing and opposed to making a promise to receive money with the intent to actually misuse his official office.

Further, we would urge the Court, on the basis of the record already standing, that this Court dismiss the case on the basis of Government overreaching that is so shocking that it is to the extent of offending any conception of due process of law.

Further, I ask that the indictment be dismissed on the ground that on the Government's case it's been shown there was entrapment as a matter of law in this case.

Further motion with respect to the striking of evidence -- shall I take that now, your Honor? Or stop with respect to the motions for directed verdict?

THE COURT: The motions for acquittal are denied.

MR. CACHERIS: We all join and we add one observation with regard to Mr. Myers. The Government must prove beyond a reasonable doubt what Mr. Myers was supposed to do was an official act that has been defined in the statute. There has been absolutely no proof that there was any official act to be done or the Government hasn't proved what was contemplated was an official act. They have the burden to put in before the jury, to give the jury guidance as to what the official act is and they have not done so.

Secondly, on the same point, the 24th and following tapes, do not deal with official acts of the Congressman, they deal, as the Court has heard with local municipal affairs and could not be considered official acts.

THE COURT: I don't quarrel with your latter characterization of what happened in January. But the motions to dismiss on the official acts ground is denied.

MR. DUFFY: As to strictly defendant Johanson, I move for a directed verdict of acquittal on the grounds the Government has not offered any proof at all that he was a party to any agreement to violate any law, number one, and number two, that with respect to the travel act, the Government demonstrates jurisdiction that was manufactured. I don't speak for the other defendants, they were lured into the Eastern District of New York. And their travel into the Eastern District was a sine qua non of jurisdiction which was manufactured by the Government.

THE COURT: Motion denied.

MR. BEN-VENISTE: I would simply add to that the fact the Government has not proved that essential element of the crime that is Ozzie Myers was a Congressman of the United States and had the capacity to perform the official acts charged.

THE COURT: You don't think there is evidence of that in the record?

MR. BEN-VENISTE: I don't think they have

satisfied their burden in the direct case.

THE COURT: Denied.

MR. BEN-VENISTE: With respect to the evidentiary matter, your Honor, I would ask ast this time that the Court strike the testimony of Ellis Cook particularly with respect to the hearsay statements made by Cook concerning travel to the Eastern District of New York.

Ellis Cook was not shown to be a member of a conspiracy. He did not act in furtherance thereof. There was no one act taken by Ellis Cook which shows participation in a conspiracy.

His testimony was that he sat down with his law pastners when the matter was broached and had a discussion about whether anything was improper in introducing the Congressman to the supposed Sheik.

They in and the Congressman would receive a fee therefore, however, it's emphatically stated there would be no quid pro quo and therefore no violation of law.

The only concern he had was whether a law firm should register as an agent of a foreign government and their conclusion since the Sheik was not a representative of a foreign Government, is that they

had no such responsibility.

Under those circumstances the Government has failed to show that Ellis Cook was a co-conspirator.

He is cast in that light simply by the Government saying so in the Bill of Particulars. The Grand Jury took no such action.

For those reasons, we would ask tha the hearsay statements which were admitted, I suppose subject to proof that he was a member of the consipracy, be stricken.

THE COURT: What specific hearsay statements are you referring to?

MR. BEN-VENISTE: Statements by Ellis Cook with reference to travel, with reference --

THE COURT: What did he testify to about travel?

MR. BEN-VENISTE: That he was told that Johanson and Criden were going to travel to the vicinity of the airport in New York.

THE COURT: Is that hearsay?

MR. BEN-VENISTE: Yes.

THE COURT: Doesn't it indicate a present state of mind?

MR. BEN-VENISTE: Ellis Cook is testifying what Mr. Criden told him.

THE COURT: He's going to go to kennedy Airport or whatever --

MR. BEN-VENISTE: Yes. He further testified he had a meeting up in New York which would be inadmissible hearsay.

He further testified over our objections as to his characterization of what Mr. Criden told him about what the Sheik would be receiving for his money. That was objectionable on other grounds other than hearsay,but your Honor allowed it.

I would suggest that the Court -- that that is extremely prejudicial on th basis of the Government's failure to show Cook's participation in a conspiracy and it should be stricken.

THE COURT: I will reserve decision on that.

MR. BEN-VENISTE: With respect to Cook's testimony and that of Michael Criden, I suggest to the Court that the Government had no independent basis for obtaining that testimony other than the statement made by Mr. Criden on February 2nd and that that testimony is fatally tainted and should have been excluded. We ask your Honor at this time to strike it.

This evidence introduced a matter taken up

before Judge Mishler.

THE COURT: You better run that by me again.

MR. BEN-VENISTE: A matter that Judge Fullman ruled upon, Judge Mishler accepted Judge Fullman's opinion. Judge Mishler had a brief hearing pretrial. Perhaps I can approach the side bar?

THE COURT: No. I don't know what you're talking about. You started talking about Michael Criden.

MR. BEN-VENISTE: Yes, he testified that his father -- that he had drove his father to New York on August 22nd.

THE COURT: You say Judge Fullman made a ruling?

MR. BEN-VENISTE: May I approach the side bar?

THE COURT: You're talking about the taint arising out of Mr. Criden's statement?

MR. BEN-VENISTE: Yes.

THE COURT: I passed on that.

I already ruled.

MR. BEN-VENISTE: I don't recall your specifically done so. Judge Mishler held a hearing pretrial where he found on the basis of representations made by Mr. Puccio that there was no taint.

I would suggest to the Court that a reevaluation

of that ruling in light of the evidence adduced at trial is in order and on that basis the testimony of Mr. Michael Criden and Ellis Cook should be stricken.

THE COURT: That request is denied. Anything further?

MR. SEN-VENISTE: No, sir.

THE COURT: Do you wish to --

MR. BROWN: May I have one?

THE COURT: Yes.

MR. BROWN: I would like to incorporate in my objection, my motion for a directed judgment, the concepts enunciated by other counsel.

In addition, I would move to strike from consideration of the jury with respect to Mr. Errichetti all that which occurred after December, 1979, particularly with respect to the incidents concerning Congressman Myers of January 24th, 25th and subsequently.

Since the testimony of Mr. Weinberg and I believe confirmed by the conversations on the January 24th tape were to the effect that Mr. Errichetti had in effect withdrawn, I based that on Mr. Weinberg's testimony where he said while they continued to contact Mr. Errichetti in order to keep him available

or neutral it was their conclusion he had in essence withdrawn after the Noto incident of September.

And of course, implicit, although not explicit, in the objection is the fact that throughout Mr Puccio has stated he considers incidents, for example the Lederer circumstances, one of a total conspiracy which goes beyond that which is charged in the indictment. Getting in what is a mutliple conspiracy being tried.

I ask for a dismissal of the indictment or a limitation in the rulings which respect to Mr. Errichetti.

(Continued on next page.)

THE COURT: I think what you are arguing with respect to the ending point of Mr. Errichetti's participation in this conspiracy is probably a fair argument.

There is a conceptual problem, however, in that what happened after that time is admissible and probably helpful in this case only to the extent it helps determine Mr. Myers' state of mind back in August.

MR. BROWN: That is true.

THE COURT: In so far as his state of mind in August is a relevant factor, Mr. Errichetti is bound by that if the jury finds there was a conspiracy at that time.

MR. BROWN: I wrestled with the concept. I tried to carefully phrase my objections so that at least it makes some sense.

How that can be handled I think is a matter of law which I will later have to submit to your Honor in a brief.

It does appear there is at least a reasonable inference arising almost to a presumption that because of what Mr. Weinberg said and the way he said it, "After that Noto thing," we felt he withdrew

and was trying to work out some sort of trickery on us -- I don't think the Court is bound by the phrase Mr. Weinberg used in response to my question: "Would you say that at that time he was no longer involved in ABSCAM," and he said, "Yes."

I do not say in any sense Mr. Weinberg's statement is binding on the Court.

I do argue it is a strong inference to a presumption that he has withdrawn.

As far as Mr. Myers state of mind in the total concept, it is important. I would have to work hard for a motion to do whatever justice is indicated.

THE COURT: When you get right down to what I have to instruct the jury, it may require some kind of a focusing of the jury's attention with respect to two or three of the overt acts that are alleged.

MR. BROWN: Yes.

THE COURT: Which may have occurred after the time that Mr. Errichetti was out of the conspiracy and if the jury finds he was.

I understand your problem and I have focused on it to some degree. I don't know if it requires any instruction at this point.

MR. BROWN: My argument is, I suppose, a motion for a partial judgment of acquital with respect to that aspect which is merely to introduce the idea that I would urge your Honor to charge the jury after -- I am picking December as the outreaching date, for example, the Myers conversation of January 24th and those that followed are somewhat precise on this point that appears to me, as I recall the tape, Mr. Criden says that fellow across the river hasn't been notified of this and the agents in their technique say this is a new deal, this has nothing to do with the old.

This is between Weinberg, the co-conspiratory statement, in reality he had withdrawn from the conspiracy.

I would ask your Honor perhaps this is not the right place to bring for a direction to the jury that would fairly limit any testimony of December from being considered by them,in the presentation of the defense those issues will I think be highlighted --

THE COURT: To the extent it is a motion for a partial verdict of acquittal, it is denied.

MR. BROWN: That is what I had in mind.

THE COURT: As to what instructions to give to the jury I will wait.

MR. BROWN: I make the Bertolotti argument, on the basis, of course, part of the Kotteakos argument as well, Mr. Puccio said: I view all of these matters not mentioned in the indictment, Lederer, to be specific, Williams when he first -- to be all of one indictment and even though they are not charged that with Bertolotti, I ask for a dismissal of the indictment based on the Kotteakos case.

THE COURT: That is denied.

MR. BEN-VENISTE: We would all join in that.

Not rearguing specifically those points, but with respect to the January 24th and January 25th meetings, in so far as there are admissions with respect to the receipt of money, we have no quarrel. That is admissions with respect to the receipt of money coming from the August 22nd meeting. We do not quarrel with the relevance of that.

However, with respect to Mr. Criden although he is present at the meetings on the 24th, it's quite clear from the statements made at that time and statements made on the 25th outside his presence, anything to do with the local situation is entirely

prospective and does not involve Mr. Criden in any way.

He's not elicited or enlisted into any prospective agreement, and because of the fact that he has simply exceeded to a request to produce Mr. Myers, to invite him to a meeting, he is now in a position in the jury's eyes somehow responsible for these statements made therein.

Although he does not adopt them or act in any way to further them

THE COURT: You are forgetting some of the evidence that was on the tapes.

MR. BEN-VENISTE: I am not forgetting it, your Honor, I simply don't believe that the statements made on the tapes with respect to how we are starting out a new situation, that and that Mr. Criden is not necessary to be contracted any longer, it's quite apparent in the January 25th meeting which incidentally is charged as an overt act in the conspiracy, improperly as I suggested to the Court before, since it has nothing to do with the agreement which led to the Ausgut 22nd meeting. I ask that overt act be stricken and not submitted to the jury.

Further, I will ask your Honor to review the

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prosectuor's memorandum prepared by Mr. Puccio in December of 1979. Judge Fullman has done that.

THE COURT: So have I.

MR. BEN-VENISTE: You have?

MR. BEN-VENISTE: I would ask whether the Court would be willing to comment on my suspicions that in that memorandum Mr. Puccio concluded that Mr. Myers should be prosecuted on the basis of the facts surrounding the August 22nd meeting.

This would indeed confirm the argument which was advanced to your Honor concerning the fact that the later January meeting, and the discussions about the Mafia end the various other things in Philadelphia, were at least in part generated with the notion in mind that Mr. Myers would be sitting in a Courtroom at some point and that tape would be played not only to his detriment, but any other co-conspirators sitting in the Courtroom with him.

I think that is an improper technique and the Government has succeeded in having that evidence come before the jury.

THE COURT: That is a matter for me to consider with respect to the due process motion pending before me.

MR. BEN-VENISTE: Does your Honor have any guidance with respect to the putting in of our defense, whether your Honor will allow the jury to consider disputed factual evidence concerning the due process issue?

THE COURT: It's not an issue for the jury to consider. I am going to deny your seventh request to it on that ground.

MR. BEN-VENISTE: Despite the fact it would appear from a reading of Judge Fullman's decision that he may well allow disputed facts on the due process argument to come before your Honor --

MR. DUFFY: There are two items I want to mention. I join Brother Brown on the Kotteakos aspect. I didn't want to beat that into the ground during the trial --

THE COURT: Yes.

MR. DUFFY: Your Honor consistently overruled us and I am sure you take the same position.

I have a pleasurable motion to make with some pride. I seek the Court's permission to permit a senior law student from Villanova to assist me for the during of the trial.

I take some pride because he is my daughter.

THE COURT: Miss Duffy?

MR. DUFFY: Jane Duffy.

THE COURT: You have my permission.

Now, did the defendants reach some agreement as to the manner to proceed?

MR. CACHERIS: Mr. Myers wishes to testify. In that connection I intend to play two of the tapes during the course of his testimony. And at a certain point I want to stop for his commentary.

I want to work that out with the technician.

THE COURT: Will he be the first witness?

MR. CACHERIS: Yes.

THE COURT: Are the tapes ones already in evidence?

MR. CACHERIS: I wouls specifically tell you the tapes of the August 22nd meeting, which is 5A or 5B is the actual tape and 7 which is the January 24th.

THE COURT: You intend to play all of both tapes?

MR. CACHERIS: Yes. I feel I have to have that done --

THE COURT: It is a rerun?

MR. CACHERIS: A summer rerun, yes.

I might suggest that perhaps because there will be some commentary at a proper point of stopping it might be better to have the jury not put the earphones on and try to listen to the loudspeaker.

THE COURT: I don't know. It's very difficult to hear what is being played out there without the earphones.

You can hear the conversation through the earphones.

MR. CACHERIS: I would be guided by your Honor's wishes in this regard.

I wonder if the transcript would be made available. It will be my hope that they will concentrate more on the watching rather than reading.

THE COURT: In so far as the transcripts go --

(Continued on next page.)

MR. DUFFY: Yes, your Honor, we of course, and I in particular, viewed that, let us say in particular the tape at the Barkley, I viewed that tape many times watching television. And My experience the other day in Court led me to conclude that the thoughts I had entertained earlier might not be true. I think I have concluded, after watching it again over the weekend, without the transcript, that the difficulty arose from the fact that I succumbed to the temptation to read the transcript and not watch the picture. And I suggest to the Court that that may be what happened with the jury. I particularly for one am interested in the jury really seeing the film. And I enlist the Court's guidance. I suggest it might be good to tell the jury we are not going to give you the transcripts because we really want you to watch the picture.

THE COURT: I certainly have no quarrel with focusing the jury's attention either upon the transcripts or possible difference between the transcripts and what it sounds like on the audio, or upon what the actions is on the video. I have some reservations about giving or exposing the jury to an hour and a half of tape without the aid of the transcript,

although I would, for the purposes of the defendants, if you want to present it in that way I will permit you to do so, or in the way in which it is done if you have a reasonable purpose of what it is you are trying to present, it is all right with me.

If you want them to have the transcripts, fine. If you don't I will explain to the jury that the purpose is to have them focus more upon what is on the screen, what they hear by ear, and what they see by their eyes, and if they were to see the transcripts that perhaps there may be a doubt --

MR. DUFFY: It might be better if they were to get the transcript, your Honor, so they don't suspect we are trying to keep it from them and if the Court were to tell them --

THE COURT: I would feel more comfortable with that.

MR. CACHERIS: I have no problem with that, your Honor. I suggest they try to avoid the use of the transcripts.

MR. BEN-VENISTE: Your Honor, the order would be on the order of the indictment in terms of presenting the offense.

THE COURT: All right, that is --

MR. BEN-VENISTE: Myers, Errichetti, Johansen and Criden.

THE COURT: All right.

MR. BROWN: Your Honor, we do have one witness whom we would like to put on th stand who may not be available tomorrow. I assume your Honor would not restrict us so long as the defense is going along and we would be able to call that witness --

THE COURT: I will not restrict that.

We are ready to proceed?

Bring in the jury.

MR. CACHERIS: I have a problem of watching this to indicate when it is to be stopped. I may have to move over here (indicating).

THE COURT: That is no problem.

MR. DUFFY: Your Honor, may I inquire of the Court, Mr. Cacheris examines the Congressman, and would it be the Court's position that I cross next or that Mr. Puccio conducts his cross and then we get to cross.

THE COURT: Normally I would expec the defendants to examine him further, whether it be viewed as cross or direct examination I guess is a moot point, and then Mr. Puccio gets the opportunity

to cross examine.

MR. CACHERIS: We will be ready shortly, your Honor.

THE COURT: All right.

MR. BEN-VENISTE: While we are waiting, could I most respectfully except to your Honor's severance ruling in respect to the Lederer case, not insomuch as opposed to the severance from Congressman Lederer as I am with the severance as it relates to Brown.

THE COURT: I haven't made th ruling yet.

MR. BEN-VENISTE: Oh, I thought that you had.

MR. BROWN: I thought that you had. But that was scuttlebutt, I guess.

THE COURT: I won't make the ruling until for example the Government appeals.

MR. BEN-VENISTE: I see that is conditional.

THE COURT: I am prepared to do it in order to accommodate Judge Fullman. There are all kinds of things that might prevent it --

MR. BEN-VENISTE: In which case it would be a severance under certain conditions.

THE COURT: It is my present intention --

MR. BEN-VENISTE: We were thinking of things like your Honor deciding it our way.

THE COURT: That is another possibility.

Are you ready?

MR. CACHERIS: Yes.

THE COURT: All right, bring in the jury.

(The jury thereupon returned to the Courtroom at 10:12 o'clock A.M.)

THE COURT: Good morning, ladies and gentlemen, I hope you all had a nice weekend. Since I spoke to you on Friday morning have you talked to anyone about the case? Has anyone talked to you or attempted to talk to you? If so, will you please raise your hands.

(There was no response.)

THE COURT: Since that time have any of you read any newspaper articles, or seen any television broadcasts or any radio broadcasts that had anything to do with the trial?

(There was no response.)

THE COURT: Very tood.

Now, the Government has concluded its side of the case so we are at that stage of the trial where the defendants have the opportunity to present evidence on their side of the case. The order in which the deferdants will proceed, although there

may be some deviation with respect to the order of witnesses and so forth, but generally speaking you will be hearing from Mr. Cacheris on behalf of the defendant Myers, Mr. Brown on behalf of the defendant Errichetti, Mr. Duffy on behalf of the defendant Johanson, and Mr. Ben-Veniste on behalf of the defendant Criden.

All right, Mr. Cacheris, you may proceed.

MR. CACHERIS: Your Honor, I call Mr. Myers.

THE CLERK: Please raise your right hand.

M I C H A E L M Y E R S, called as a witness, having been first duly sworn by the Clerk of the Court, took the stand and testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Michael Myers, M-y-e-r-s.

THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. CACHERIS:

MR. BROWN: If your Honor please, you might perhaps suggest if the jurors would not refer to the transcripts.

MR. CACHERIS: It will be a few minutes before

we get there.

MR. BROWN: I beg your pardon.

THE COURT: Proceed.

BY MR. CACHERIS:

Q Mr. Myers, how old are you?

A 37 years old.

Q Where do you reside?

A Philadelphia. 2636 South 6th Street, Philadelphia, PA.

Q What type of neighborhood is that?

A It's a working class neighborhood.

Q With whom do you live?

A I live with my wife and three children.

Q How old are your children?

A My oldest son is Michael, he is 12 years old. I have a daughter, Kelly-Ann, 10 years old, and I have a son, Kevin, who is 9 years old.

Q Are your parents living?

A Yes, they are.

Q Where do they live?

A They live about two blocks away from where I live, same neighborhood.

Q What does your father do for a living?

A He is now a retired longshoreman.

Q Mr. Myers, how long did you go to school?

A I left school in the 10th grade. I completed nine years.

Q What kind of a family do you come from in terms of size?

A I am one of eight children. I have five sisters and two brothers, and three cousins that was raised with us.

Q Now, when you left school in the 10th grade, did you say?

A Yes.

Q What did you do after that?

A Well, I went to work as a Western Union telegram boy delivering telegrams.

Q For how long did that last?

A That lasted about six months.

Q What did you do thereafter?

A After that I went to work in a can company, assembly worker in a can company.

Q How old were you then?

A I was about going on 17.

Q How long did you remain as an assemblyman in the can company?

A Four or five months.

Q What did you do thereafter?

A After that I went to work on the waterfront in Philadelphia.

Q Your father had prviously worked there?

A Yes, my father had worked down there at the time and my brothers.

Q How old were you when you first started working on the docks?

A I was 18 years old at that time.

Q How long did you remain working on the docks?

A Well, I worked on the docks until about 1974, from '70 to '74 on a part time basis, because during that period of time I was a member of the State Legislature in Pennsylvania. But in those days when I was a member of the legislature the salary was only $7200 a year, and I used to work a couple of days on the waterfront to supplement my income to try to make ends meet at home.

Q When did you first get into politics?

A I first got into politics when I wa 21 years old.

Q Tell the jury how you got into politics?

A Yes.

I was helping a friend out at the time, a gentleman named McNulty, William McNulty. He was the Demoratic

Ward leader in those days, and he asked me to help out at one of the polling places. So I agreed to. And I took it from there. I ran for Committeeman after that and gradually worked my way up through the Ward organization. I became the First Vice Chairman. Then I became Chairman and then I became Ward leader. And I got an opportunity when I was 27 to run for the State Legislature.

Q How old were you when you ran for the State Legislature?

A 27 years old.

Q How long did you remain in the State Legislature?

A I was elected in November of 1970. And I served -- and I was sworn into office in January of '71, and I remained there until November of 1976 when I became a member of Congress.

Q Tell the jury how you became a member?

A Well, my predecessor was a William Barrett. He had died in April of 1976. And under the party rules it was up to the party to select someone to replace his name on the ballot. He had been nominated posthumously in the primary election. So with his death of course it created the vagancy. And the Democratic Party leaders of the county met and they selected me to run and replace Mr.

Barrett's name in November.

Now at that point in time the Governor, Governor Schaff it was at that time, declared a special election to be held on November -- on election day in November of '76. So actually I was elected twice the same day. One election elected me to serve out the unexpired term left vacant by Mr. Barrett and the other was to a full two year term which would commence January of 1977.

Q What type of district is that?

A Well, it is strictly a working class district. It's about half black, half white.

Q Mr. Myers, I want to direct your attention to July and August of 1979?

A Yes.

Q And ask you if you met Louis Johanson?

A Yes, I did.

Q Will you tell the members of the jury how you met him?

A Yes, I will, Mr. Cacheris.

Sometime in late July, early August of 1979 Mr. Johanson called me and said that he would like to talk to me.

So I said fine. That I would be going to Longwood, where I had a summer place probably most of the

month of August where he could stop by and if he wanted to see me, we will talk.

He did. He stopped by my place. He stopped by one night around 5 or 6:00 o'clock. My wife and I were going out at the time.

And I said, "Lou, listen, I am going out. Would you mind if I stopped off? I will stop over your house tomorrow morning. We will have a cup of coffee and we will talk."

He said, "Fine."

So the next morning I went over to Lou's house and we--

Q Will you tell us how you knew Mr. Johanson?

A Well, I knew Mr. Johanson through politics. Mr. Johanson is a Ward leader in the City of Philadelphia. I am also a Ward leader. And we have attended many political gatherings, rallys, meetings dealing with registration, dealing with putting our ticket together for the election and the primary in general.

We have a system in Philadelphia where all the Ward leaders meet once a week for about 8 to 10 weeks prior to an election. Every Friday morning we meet and we go over election strategy. We get into the overall registration drive. You know Lou and I have spent a lot of time together

over the period of the time that I have been a Ward leader.

Q Djd he ever help you in an election year?

A Yes. He has helped me. He has pitched in and helped me. And he has helped other friends of mine in various elections because we work together.

Q And you did meet with him?

A Yes. I met with him at his place in Longport which is a couple of blocks from my place.

Q What did you discuss?

A Well, we had a discussion about -- we sat down -- when I got to his house he said, "Well, come around the back of the house." And he had some beach chairs sitting in the rear of his place with a little garden there. And we had some general discussion. We had a cup of coffee. And he went on to tell me about this rich Sheik, about this rich Arab Sheik that he knew. He told me about a deal that he was involved in with his partner, Mr. Criden.

Q Did you know Mr Criden?

A No, I didn't know Mr. Criden. I knew of him. I had seen his name, you know, on the law firm on a door, but I really didn't know Mr. Criden.

And he told me about this hotel casino deal in Atlantic City. And that him and Mr. Criden were looking to land this deal. It looked very good. He told me that if

went through they were going to make a trememdous fee. He didn't tell me the exact fee, but he told me it was in the millions.

He told me if it worked out he was going to retire, get out of politics, go down to Longport and just retire.

So of course it just sounded great to me. I wished him luck.

And so he went on further starting to tell me about his son, which I was aware of.

And he went on to tell me that this rich Arab was willing to pay $100,000 to him and Mr. Criden if they could introduce some important people to the Sheik.

So I told him, I said, "You know, Lou, that sounds like a fairy tale to me."

I never heard of something like that.

"For what reason?"

I said, "Why would he do that?"

He said, "Well, he has got so much money; he has got billions," he said, "$100,000 to him is just peanuts. It just don't mean anything."

So, you know, thinking about this hotel and all this money, maybe it's true. It seemed like a fairy tale. I couldn't believe that it was true. But I had

confidence in Lou. I wouldn't believe he would be giving me any B.S. I believed it. So he said if I was willing to meet with this gentleman that there would be a hundred thousand dollars and he would be willing to give me $25,000.

Then he went on to explain how the money was to be split up.

He told me about Angelo Errichetti at that time, the Mayor of Camden.

(Continued on next page.)

He told me about Mr. Weinberg.

He told me I would get $25,000 and him and Mr. Criden would get $25,000 to split.

Mayor Errichetti would get $25,000, and $25,000 would go to Mr. Weinberg another representative of the Sheik. No other names were mentioned. I didn't know of any other names at that time of any of the representatives.

Q What were you supposed to do?

A Well, I just asked him that question.

I said, "Lou, what am I expected to do?"

He said, "You will probably never see these guys again. You won't have to do anything. I can assure you these people have so much money they are willing to pay that amount just to know some important people."

So I said, "Well, as long as I don't have to do anything," I said, "It sounds okay to me."

So he went on and told me that -- I said, "Well, what do they want to ask me?"

I said, "Do I have to know anything?"

"Well, the Sheik may ask you some questions about immigration. There was some talk about," he said, "Maybe a hostile situation where he currently lives. He might have to try to come to America. He may talk to you about that. But," he said, "I am not sure about that."

He said, "If you really go you will meet later with Mayor Errichetti and he will tell you word for word just what to do and what to say."

He says,"And also with Weinberg. You will meet with them and I will set that up."

So I said, "Okay. Set it up."

Q Why did you agree to set it up?

A Well, first of all I thought,you know, obviously Lou was very excited about this hotel deal. I thought I was doing him a favor by meeting with this rich Arab, and because he had done me a lot of favors, particularly in the last general election.

And so I also seen it as a way to pick up some easy money for doing absolutely nothing.

Q Did that conclude the conversation at that time?

A That basically concluded the conversation at that time with Mr. Johanson.

Q Did you meet with him again?

A Yes, I spoke to him again.

During that period of time, during August, Congress was in recess, and I had spent a lot of time down at my summer place. I would go back Mondays, and Tuesdays and Thursdays and just ride back to the office, which is

about, well, 56 miles from my home. So it is about an hour ride. I would go up for office hours at night and then return the same night to my place at the shore.

He stopped by my house one night right around suppertime and he said that the meeting was set up for the next day. So that would be the day before the 22nd. This would be the 21st of August.

So I said, "Okay. What we do have to do?"

He said, "Well, we will have to get there early because you are going to meet with Mayor Errichetti and you are going to meet with Mel Weinberg to go over the script of what you are to say to the Sheik."

I said, "Okay." I said, "Well, how do you want to go up?"

He said, "I don't care. I will pick you up or you will pick me up."

I had a pretty decent car. And I said, "I will pick you up tomorrow morning."

The next morning, that would be August 22nd, the day of this meeting, I picked up Mr. Johanson at his house. And then I headed up the Garden State Parkway up to the -- we got up to the airport, Kennedy Airport, I would say somewhere around 9:45, somewhere in that range. And we went in the airport. We had some breakfast there.

And we hung around the lobby there just waiting for this meeting to take place. I was to meet with Errichetti and Weinberg. We waited there. We waited there and they never showed until about somewhere in the vicinity of 11:30, I would say, a quarter after eleven or 11:30 they showed up.

Q Did you meet anyone else?

A During that period of time?

I didn't meet anyone else, no.

Mr. Johanson and I just sat there reading papers and just waiting for them to show up.

Q At 11:30 they showed up?

A At 11:30 Angelo Errichetti walks in and with him is Mr. Criden and a couple of other gentlemen. One was Mr. Criden's son and another gentleman I believe to be now that I have seen him around, I believe it was the Mayor's driver.

I was introduced to everybody. This was the first time I met Mr. Criden and the first time I met his son.

Of course I knew Mayor Errichetti because of any number of other transactions in the Port of Philadelphia which of course includes his City, the Port of Camden. We met on the Penjurdel Corporation. That's a corporation

that takes in the whole Delaware Valley, Philadelphia, New Jersey and Camden, the Port.

(Continued on next page.)

Q As a matter of fact, Camden is across the river?

A Yes, directly across the river.

When you talk about the Port of Philadelphia, that includes the City of Camden. The ILA in Philadelphia handles all that work in that port, although it's another state, the same jurisdiction.

I knew Ang, and said hello, and he grabbed me by the arm and pulled me on the side.

He left the main group standing talking, and we were against the wall in the airport.

He told me at that time that the plans had changed. We weren't going to meet with Mel Weinberg because of a time problem.

Q Not?

A Not going to meet with Mel Weinberg, which I believed we were going to do to go over the script of what I was supposed to say and do.

He said, "I will tell you what you have to do. First of all, the sheik does not understand English. No matter what you say, he doesn't know what you're saying is the truth or what."

I said, "Is he going to ask any questions?"

He said, "They may ask you something about

immigration."

I said, "I don't really know that much about immigration. If he gets into any technical areas I won't know the answer."

"Talk about anything. Talk about the Phillies." I know quite a bit about the Phillies.

That was about the extent of it. "You've got to come on strong."

He also told me: "Did you ever see me on television?" I had seen him many times talking about things in Camden. "You know how positive I am, how strong I come on? That is the way you've got to act. The sheik likes tough guys. Tell how him powerful you are. Maybe talk about immigration. You will never have to do anything. Don't worry about that. I got that covered. If there are any areas you don't understand I will talk up. Mel is going to be in the room with us. Mel is our friend. He wouldn't let anything happen to get you in trouble."

I said, "Okay. If it's that simple." He assured me that it was and I said fine.

Q What happened then?

A After that, we headed over to the hotel which was a mile or so away from the airport. A few minutes later Lou Johanson and I walked out and walked to the parking

lot and picked up the car. We followed maybe ten minutes or so behind him over to the hotel, parked outside the hotel. Lou and I both walked in.

When I walked in the hotel lobby, Mayor Errichetti was standing right in front of the elevators. Lou said, "I will wait" and veered over to my right over to the cocktail lounge in the lobby.

I walked up to the Mayor. He said: "There has been a change in plan."

"What do you mean," I said. "The sheik is tied up at another meeting. You're not going to meet with the sheik."

I said: "With whom will I meet? "One of his representatives, but Mel will still be there. Come on the same way."

"Suppose they ask me questions I can't handle?"

He said, "We will handle that."

"What about immigration?"

He said: "Tell them to do anything they want, don't worry about that. You don't ever have to worry about the sheik coming to America because Mel already told me if he has to leave his country arrangements have been made in South America and they never include to come to America."

So, I said, "Fine." As long as I understood that. That was about the extent of it.

He was telling me all the way up in the elevator "Come on strong, talk positive, tell him about yourself, how important you are in Washington and you're on important committees and you control this and that, make yourself sound important because they like important people."

I walked in the door. That is where the tapes are.

MR. CACHERIS: With your Honor's permission, we would like to run the August 22nd tape.

THE COURT: That is Exhibit 5.

With respect to the playing of the tapes, ladies and gentlemen, you have seen this tape before, and with this one and with respect to another one you may be looking at, counsel have requested me to suggest to you that since you have been through the tapes once with the transcripts, and what they would like to do at this point, instead of concentrating heavily on the transcript, concentrate more on what you hear and what you see.

I know there is a temptation to watch the words rather than what is going on at the screen. Let me encourage you to keep your eyes off the transcript

and watch the screen and listen to the words.

The transcripts will be given to you so that you can follow and so forth. Keep in mind the transcripts themselves are not the evidence, it's what you see and what you hear which is the evidence.

You may distribute the transcripts.

MR. CACHERIS: I ask Mr. Furst to help me. I'm totally unmechanical. I would push the wrong button. I am sure.

(Transcripts being distributed to the jury at this time.)

THE COURT: Did I understand it was your intention to stop the tape at certain points and ask questions and proceed with the rest of the tape?

MR. CACHERIS: Yes, sir.

THE COURT: You will go through the entire tape?

MR. CACHERIS: Yes, sir.

One juror does not have Exhibit 5A in her volume.

(Pause.)

THE COURT: Ready?

MR. CACHERIS: One question.

Q What is your nickname?

A Ozzie, O-z-z-i-e.

MR. CACHERIS: We are ready to proceed.

THE COURT: All right.

(Tape played.)

Q Mr. Myers, is it correct to say you just walked into the room and you made discussion about your position and your leadership, is that correct?

A Yes, Mr. Cacheris.

Q Were all the things you were saying in there accurate?

A No, they were not. When Mr. Errichetti gave me the clue to talk about me, I went on to expand how important I was.

Q Did Mr. Errichetti say you were the leader of a six Congressional delegation?

A Yes. I picked up on that. He was not right.

Q How large is it?

A The delegation is four members. To keep his statement right, I go on to expand Philadelphia and talk about two more counties to make it six members.

Of course, that is not true.

Q If indeed there were six members including the Southeastern counties, would you be the leader?

A No, there are senior members from the other counties.

Q Did you also tell them that you had representation in the Judiciary Committee?

A Yes. I said that, and of course, we do not.

Q Do you tell them you were very keen with immigration matters?

A I said that. Of course, we don't have.

Q Are you, as you said, the spokesman for the Southeast region?

A No, I'm not. I speak for myself only.

Q Why did you say these things?

A I was trying to make myself look important. Impress the representative of the Arabs. I had all the power and I was an important individual.

MR. CACHERIS: All right.

(Tape played.)

Q Was that Mr. DeVito speaking to you?

A Yes.

Q He told you that he was sure the Mayor had explained all this to you?

A Yes.

Q In fact, the Mayor had explained it all to you?

A There may be talk about immigration and I should come on strong, but the Mayor never mentioned anything

about Somoza. When Mr. DeVito brings up the name Somoza, that is the first I heard of that.

MR. CACHERIS: All right.

(Tape played.)

Q Now, you've told Mr. DeVito that you could drag out a bill keeping someone in the country?

A Yes, I did.

Q Is that correct?

A That is not correct. As far as I know about private bills, each bill would be judged on its own merits and that is strictly up to that committee to handle it.

I don't serve on that committee.

Q Why did you say that?

A I was trying to impress them saying I could do anything.

Q Now, again you discussed the four and six delegation?

A That is -- I don't want to change it, what he said.

Q You are tied up with Ohio, what did you mean by that?

A If they want an important man, I could control Ohio too.

MR. CACHERIS: Okay.

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(Tape played.)

Q Do you take matters to the Chairman of the Judiciary Committee?

A No. I never took any matter to the Chairman of the Judiciary Committee. I only know the man to say good morning.

I hardly know Mr. Rodino.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. Meyers, Mr. DeVito asked you about your connections in the State Department?

A Yes.

Q Your response was you had a lot of connections in the State Department?

A That's what I say. That I had connections in the State Department. I'm trying to impress how important I am.

Q Do you have any connections with the State Department?

A No. I didn't have any then and I don't have any now. I never had any connections in the State Department.

MR. CACHERIS: All right.

(Tape played.)

Q Did you go on the Appropriations Committee?

A No.

Q What committee were you on?

A Education, Labor, and Merchant Marine and Fisheries Committee.

MR. CACHERIS: Okay.

(Tape played.)

Q What do you mean by that statement, were you in his corner?

A I don't know really what that means. It's strictly BS.

MR. CACHERIS: All right.

(Tape played.)

Q Did you tell him you had the clout to introduce legislation?

A Yes.

Q What does that mean?

A Any member of Congress can introduce legislation by having the bill drafted and dropping it in the hopper.

I tried to make it sound like it takes me to introduce a bill which is totally untrue.

MR. CACHERIS: All right.

(Tape played.)

Q Now, you just said you can wait until the smoke clears, eighteen months pass, what are you saying?

A I am just stalling, trying to answer his questions. Impress upon him I could do all this, stall the committee.

I am totally BS'ing there.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. DeVito told you, asked you, are you going to introduce a bill to get him here, what does that mean?

A He didn't understand what he was talking about either. He's all through this. He said things that don't make sense to me. He doesn't understand immigration or the Congress.

MR. CACHERIS: All right.

(Tape played.)

Q You were asked about the worst possible situation, what did Mr. Errichetti say?

A He said I would have to put a bill in. I said yes. I would have to put a bill in at that point in time.

MR. CACHERIS: All right.

(Tape played.)

Q What did you mean by that?

A I wanted to impress the representatives that I'm on his side and how important I was. I control the

delegation, to impress upon him. I wanted to have him believe I was a strong guy in Congress.

Q Is that in accordance with the directions you had?

A Come on strong. I'm coming on strong. I know he doesn't know what I'm talking about. I even build it up more.

MR. CACHERIS: Okay.

(Tape played.)

Q You can speak for the Philadelphia delegation, Southeastern Region and the rest of the State delegation?

A We tie into the rest of the State delegation. What I mean, I can deliver all these people. That is the procedure we use -- that is what I am telling him. It's total BS. We don't use that procedure. Each region is after its own things for its own region. What's beneficial for Pittsburgh doesn't help Philadelphia. We differ on most all issues.

(continued on next page)

(Tape played.)

Q What did you mean by that expression?

A That is a figure of speech that I use and had been using for many years.

I had heard that back in the waterfront days. It seems that everything you wanted to do or had to do took money, so it is a phrase we used on the waterfront and something I have been using for many years.

(Tape played.)

Q Now, you just told Mr. DeVito that you have all sorts of people coming from the Middle East and OPEC countries and wanted to make deals?

A Well, that is what I said, but I didn't know anybody from OPEC countries or the Middle East and I don't anybody from OPEC countries or the Middle East whoever intended to come.

(Tape played.)

Q You say you know all sorts of operations such as we are talking about now?

A I say that but I am just trying to impress him that I am the guy who knows all about these immigration matters, and that I can handle these things.

I do not know any of these deals and never heard of one.

I am trying to build up how important I am and can handle it just for his ears.

(Tape played.)

Q Do you know key staff people, key people who can show you how to stall things?

A No, I don't know any staff people on the judiciary committee. I don't know any key people on there whatsoever.

I told him this to make me seem important. That is why I am saying it to him.

(Tape played.)

Q Now, you tell him that you got the best guy in the world, you have got some real key people in State.

A I don't know anybody in State, and he asked me for the name and I told him I could not give him the name and the reason I couldn't is because I don't know any.

(Tape played.)

Q You just said you were going to discuss with State and line up your connections there.

Is that correct?

A That is what I said.

Q Did you ever go to anyone in the State Department and discuss anyone, with anyone, in the State Department, about this matter?

A No, I did not.

In never did. I never intended to and never had in my entire career.

(Tape played.)

Q All right.

Now, Mr. DeVito asked you about green cards.

A Yes, he asked me about green cards.

Q What did Mr. Errichetti say?

A Angelo butted in and said he has feelers out for green cards.

Q Do you know anything about that?

A I knew absolutely nothing about green cards.

When Angelo butted in I knew he was in an area and I couldn't explain.

Q Did you know anything that Mr. Errichetti was doing about green cards?

A No, that was an area I didn't understand well and if there was any question about green cards, if you read on, you can see that I dummied up because I didn't know anything about green cards.

(Tape played.)

Q What did you mean in this passage where you were talking about economics, investing dollars?

A It goes back to the hotel in Atlantic City

that Lou Johanson told me about, and all the other investments they were talking about.

I thought if he was, if the Sheik had all this money and intended to invest over here, fine, I would like to have some in my district and I go on to tell him that is the way that people can immigrate here.

Of course, I don't know much about that procedure, but I knew he didn't neither.

(Tape played.)

Q Now, you said there that this gives you the perfect opportunity to raise hell before Congress.

What do you mean by that?

A I am trying to impress him that if some investments came into my district this would give me an opportunity to raise hell.

I am always looking for any kind of investments in my district and that is what I was trying to relate to him, that Philadelphia was a good town and he should try to spend some money there.

I was trying to impress him that this would make me go ahead with anything dealing with immigration, if he would come back and put some investments in my district.

I knew that I never had to do that and I

wouldn't be asked to do that, and I thought it was a great opportunity to lobby for my City.

Q Did you intend to do anything before Congress?

A I never did anything and never intended to do anything before Congress and was told that I did not have to.

That is the reason why I went to this meeting.

(Tape played.)

Q Now, you said there you deal with these matters continually. What did you mean by that?

A Well, I was trying to impress upon the representative of the Arab that this was just a matter of routine for me. That I deal with these things all the time, this was not true. I never deal with them. In my experience I have had one private bill in four years and I don't know anything about private bills and I never was involved in private bills.

Q Why don't you tell us about the bill.

A Okay.

Sometime around June of 1979, a social agency in Philadelphia in my district contacted my local office and they said that there was a gentleman who was going to be deported from the United States and that they would like to have me intercede. He resided in my district.

So my staff handled the matter and they got all the facts together and the way it came down is that this gentleman had cancer and he didn't expect to live too long. He had two children that were born here in the United States. For that reason he did not want to leave his family, you know, until his death, sometime in the near future. After all the facts were together his lawyer contacted my staff and they came to me and explained the situation to me, that this gentleman had two children born here and he wanted to remain here for the remainder of his days.

I agreed.

I said, have a bill drafted and I would be happy to introduce it.

That is the only experience I ever had with immigration matters at all.

(Tape played.)

Q Were you interested in legitimate investments in Philadelphia?

A Of course.

I am always interested in any kind of investments in Philadelphia in my district and particularly with the poor.

I am always lobbying for business to come into the City, whenever I get an opportunity.

In this case I knew all this money, I heard four hundred million in Chase Manhattan, and I heard about this big hotel casino and a mortgage company and all this money and I continually thought about my district, knowing I didn't have to do anything.

If this was for real, and they had to come to my district, it certainly would be a plus for me.

(Tape played.)

Q All right.

Now, you are telling him you can use your connection with the committee and stall things?

A That is what I said.

Q Is that true?

A No, that is not true.

Each bill, whether it would be an immigration matter of not, that is introduced in Congress is weighed upon its own merits. Whatever committee has jurisdiction over that matter sets the scheduling of the matter and sets the hearing and it is taken up from there. They either approve or it falls on the merits.

Sometimes a hearing can be held in one day and it is recorded out or it may stay there for three months.

I don't have anything to do with that committee.

So I am just B.S'ing him.

Q Did you have any ability to staff anything?

A No, anything dealing with immigration you have to understand it strictly in the judiciary committee. I don't serve in the judiciary committee and no member of our State does.

(Tape played.)

Q Now, you mentioned the Port of Philadelphia. Why did you do that?

A Well, anytime that I get in a room with more than two people I talk about the Port.

The Port is very close to me. I always talk about the Port.

Of course, my father worked there and I worked there and we made a nice living from the Port.

Anything I can ever do as an elected official to help that Port, I try to do it. I am thinking about all this four hundred million and that we have a need for a third container Pier and we have all sorts of needs for Port development and I thought it was an area they might be interested in.

If I could explain to them that it was a good Pier and it is a good place to work out of and do business, maybe they would come and if they did it would be a plus and I would be very happy.

Q Did that have anything to do with your Congressional office?

A Oh, no, it had nothing to do with my Congressional office.

(Tape played.)

Q What are you saying there? What is your intention?

A My intention there is in case they were intending to go to New York, I was trying to discourage them and to bring them into Philadelphia.

(Tape played.)

Q What are you talking about there, about handling that, all that can be handled?

A Well, he mentioned that we have to kick something into the Union people. That is not so.

Philadelphia is dying for the work and a very good Port.

You don't have to operate like that in Philadelphia. If you have a shipping company that wants to come in, there are Piers that are empty and dying for the work.

Because of automation we have lost a lot of jobs in that Port and we will do anything to get jobs in that Port.

(Tape played.)

Q What are you saying there?

A What I am saying, it is a great opportunity for them to come in with all this money to take over one of these empty Piers. It is a legitimate operation.

They could, you know, get all the help they needed as far as the local participation from City Government is concerned, from the Port corporations and it would have been a great thing for my Port and that is what I was concerned about there.

I keep trying to promote the Port because anything that comes into that City is of benefit to me and particularly when I know I don't have to do anything for it.

(Tape played.)

Q Mr. Myers, you just said you got my guarantee, you have no problems with me, and Mr. Errichetti says you have my guarantee.

What were you guaranteeing?

A I would have guaranteed him anything he wanted a guarantee on because I knew I didn't have to do anything and never intended to do anything and was told that.

I was also told, as I told you earlier that this possibility could never come up because it was already

taken care of.

(Continued on next page.)

(Tape ends.)

MR. CACHERIS: Can we have a recess at this point, your Honor?

THE COURT: Yes.

Take a short recess ladies and gentlemen.

Don't discuss the case during recess.

(Recess taken at this time.)

THE COURT: All right, bring in the jury.

(The jury is in the jury box.)

THE COURT: All right, Mr. Cacheris.

M I C H A E L M Y E R S, resumed the stand, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

BY MR. CACHERIS: (Continued)

Q Mr. Myers, at this meeting of August 22nd, which was just gone through, Mr. Weinberg was there?

A Yes, he was.

Q Were you told by anyone what to expect from him?

A Yes, I was told by Mayor Errichetti that Mel Weinberg would be there, and in the event I ran into a problem in an area I didn't understand or couldn't explain, he would take care of that.

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He would handle that and butt in.

Q When you left that meeting, did you have any intentions of doing anything?

A No, I had never had intentions of doing anything.

I was strictly told that I never had to do anything on several occasions.

I never did anything and never intended to do anything.

Q Did you do anything in connection with this private bill?

A I never done anything at all.

Q Now,as you left the meeting you had an envelope with you?

A Yes.

Q Can you tell the jury what happened to that?

A I walked out of that room with this envelope which was handed to me by Mr. DeVito. And as soon as I passed through that door I handed the envelope over to Mr. Errichetti.

Q What happened then, Mr. Myers?

A We continued up the corridor towards the elevator. When I reached the elevator I stepped off. Mayor Errichetti stayed on that floor with the envelope.

The door closed. That is the last I seen of Mr. Errichetti.

I went down to the lobby and walked over to the cocktail lounge to pick up Lou Johanson.

I looked around the cocktail lounge and it was completely empty, there were no customers.

I walked outside figuring maybe he went out to the car. Sure enough, he was sitting in the car reading a pocket novel.

I got in the car and Mr. Johanson said to me: "How did it go? I guess it went fine."

We started the car up and went back to Philadelphia.

Q What did you do then?

A Got back to Philadelphia, we stopped and had something to eat in the center City area near Mr. Johanson's office.

He made a phone call over to his office. And he said, "Okay, they are back, let's go over."

We left the restaurant and headed over to the law office. There were people there that I didn't know. I walked into Mr. Criden's office and Mr. Johanson, Mr. Criden and myself sitting around in his office around his desk.

Mr. Criden went on to tell me, he said: "We

got a problem."

I said, "What is th problem?"

He said, "There has been a misunderstanding."

I said, "What do you mean a misunderstanding?"

He said, "It was supposed to be one hundred thousand dollars in the package. But now it's only fifty thousand."

So he said, "I don't know what happened at the top. I don't have all the details."

So, I didn't know what to think at that time. Maybe Weinberg got off with the money. I didn't know what to think. What could I do or say about it?

He said to me, "Because it was only fifty, that twenty-five had to go back to Ange and Mel so we were left with $25,000."

He put the twenty-five thousand on his desk and he said: "I am sorry, I never expected this to happen."

So we talked about it.

He said, "Look, you were promised twenty-five, how about if you take fifteen and we will take ten?"

I said, "Well,what can I say about it. It's all right with me. We don't have to do anything for the money, it's found money."

It seemed like a fairy tale to me. What is the

difference.

At that point in time I picked up $15,000 which was three bundles of money, five thousand in each bundle. I put it in my pocket and I left his office and walked out of his office to my car.

Q Did you get any other money out of this?

A No, that was the extent of any money.

Q What did you do with the money?

A Well, first of all, this was in August. It was back to school time. I paid the tuition for my children to go to Waldren Academy and including the tuition and back to school clothes and books it was about $4,000 right there.

I paid some of my wife's charges and got all of that stuff paid off, a couple of more thousand dollars, maybe $3,000.

I bought some furniture. I paid my father back a thousand dollars that I owed him from the last summer tuition money.

I went through it that way, things for the house, and bought a couple of things probably I didn't need. It was found money so I spent it quickly.

Q From that time, August 22nd, till January of 1980, did you ever have anything further to do with any of

the participants in this transaction?

A No. I had nothing to do with any of the participants. The only one I really had any dealings with after that was Lou Johanson. And that went back to the political end, going into a general election, we met at the Friday meetings, but we never discussed any of this.

Q When did you next hear from anyone?

A The next I heard about the Sheik was in January, January 24th. I was down in Washington that day. The house was in session.

I received a phone call from Mr. Criden. And Mr. Criden -- when the call came through I was on the house floor. I returned his call.

Mr. Criden said "Our friends were back in town." He had spoken to Mel Weinberg and they were very much impressed with me."

I impressed the Arab representative and there was a new representative in Philadelphia working on a hotel complex that they were looking to build. Another Jewish gentleman named Mr. Cohen. He said I impressed him the first time. I impressed him and they wanted to see me to say hello and have a meeting about investing money in Philadelphia.

"Can you meet with him?"

I said, "Sure, I am coming to Philadelphia tonight."

We were finishing up business for the week. I always went back on Thursday to my office, dnd Monday and Wednesday I went back.

That night I happened to be going because the week was over as far as the legislature in Congress.

Q At the end of that working day, what did you do in your office?

A I did basically the same thing I do at the end of every working day, see my staff, administrative assistant Michael Corbett, we had a couple of beers, couple of cans of beers. It's not usually after five or 6:00 o'clock.

Q Are you normally a beer drinker?

A Yes.

Q Do you drink hard liquor?

A No. Rarely do I.

Q Why?

A I just don't like it first of all and I can't handle it.

Q After you left your office, where did you go then?

A My administrative assistant drove me to the

airport to pick up my plane and head for Philadelphia. I was scheduled, I believe, on a 6:45 or 6:50 flight back to Philadelphia.

Q What were the weather conditions?

A The weather conditions were very rough, raining and hailing and snowy. It was a bad day.

When I got to the commuter terminal, my assistant left and I was waiting for the flight which was delayed.

I had time to kill. I got an hour delay, almost two hours before I actually took off.

During this period of time, I walked over to the lounge in the main terminal which I do whenever there is a delay. I have a sandwich or whatever. And I had a couple of beers at that lounge over in the terminal. I don't know how much, maybe three at the terminal.

Then I went back, of course, boarded the flight to Philadelphia.

(Continued on next page.)

Q When you got to Philadelphia, what did you do?

A I went from the airport to my office, but this was rather late and the people that were there to see me -- it was a bad rainy night -- most of them had left.

My constituents would come in to see me at night. Sometimes 40, 50 people.

Because of the late hour and because of the weather, I only had a few.

I went in the office. I saw the few people still remaining. I called Mr. Criden at that point at the hotel to tell him I was in Philadelphia and I was here.

He said, "Can you come up?"

I said, "Yes."

It takes about ten or fifteen minutes because my office is not that much from the Barkley Hotel.

I locked the office up and headed up to the Barkley Hotel.

MR. CACHERIS: Your Honor, we would like to run the tape which deals with this meeting at the Barkley Hotel?

THE COURT: All right.

I see what is on the monitor, you're beginning a few pages in?

MR. CACHERIS: Yes, Mr. Myers was not there for a number of pages.

THE COURT: Page 312

MR. CACHERIS: That is correct, your Honor.

THE COURT: Proceed.

MR. CACHERIS: It is cued up already, I am told.

THE COURT: Proceed.

Q Mr.Myers, when you got there, to whom were you introduced?

A Introduced to Michael Cohen, Ernie -- I didn't know Ernie's name at that point in time, Ernie Haridopolos is the gentlemen. Who did you believe these people were?

A I believe they were representatives of the Arab Sheik, the same one I had met the other representatives.

And they were in Philadelphia to get involved with local building and a hotel complex and all kinds of other investments in Philadelphia.

Q What did you believe you had to do?

A I believed I had to impress them that I was a strong guy and the same way I did back in the August meeting.

I had to come on strong and make sure they

wanted to invest here. Try to impress upon them this is the City to come to.

Q In the tape you used some rather foul language?

A Yes.

Q Why did you do that?

A Because I was instructed to act like a tough longshoreman. The only way I know is to use foul language.

MR. CACHERIS: All right.

(Tape played.)

Q You were offered alcohol?

A Yes, I was, Mr. Cacheris.

Q Did you accept it?

A Yes, I did. I accepted it.

I asked for a burbon on the rocks. I would say that is probably the only time in my life I ever did that.

The reason I asked for it is because it's mentioned here by Michael Wald there is scotch and Jack Daniels there. That is the only thing they had. Had they had beer there I would have accepted a beer. I would have asked for a beer.

I can't stand scotch so I asked for a burbon.

Q Describe the drink?

A The drink was a large water tumbler, a glass that reminded me of a McDonald's glass, the kind they give out at McDonald's hamburger shop, a very large glass.

Q Was it filled?

A About half filled with ice and almost to the top with liquor.

MR. CACHERIS: Go ahead.

(Tape played.)

Q You were asked by Mr. Wald about these fellows coming over?

A Yes.

Q You said depends on who he is, didn't you?

A Yes.

Q What were you intending to say?

A I wasn't sure whether Mr. Wald was aware of Mr. Weinberg and what already happened? I didn't know.

He seemed to be fishing. I let him go.

I explained each case is individual. I was waiting for him to tell me more about this.

MR. CACHERIS: All right.

(Tape played.)

Q What were you saying when you were asked about individual problems dealing with State and Immigration is individually handled, you don't know what the circumstances

will be?

A Well, I didn't think he knew what the circumstances were. I told him I have to take it from that point. Nothing at that point was ever going to come.

MR. CACHERIS: All right.

(Tape played.)

Q What difference does it make if this gentleman speaks English?

A I was told back in the August meeting that he did not speak English and I could talk about the Philies.

I get into telling Mr. Wald he better speak English, trying to say let him learn English -- who knows how long that will take.

I was interested in the development of the City and I had questions about whether these guys were legit, everything was going to be built, they talked about it, but I don't see nothing.

MR. CACHERIS: All right.

(Tape played.)

Q You were just asked by Wald about the introduction of a bill for private legislation?

A Yes.

Q You said you could do that if you had a reason?

A Yes.

Q What did you mean?

A I wanted the conversation to fall in line with the first meeting. I didn't know what Mr. Wald understood about the first meeting. I also wanted to let him know I knew something about immigration.

Q Did you intend to introduce immigration bills?

A I never intended to. I was told I didn't have to do anything. That was made clear prior to the first meeting to me. That is the reason I went to the meeting.

MR. CACHERIS: Okay.

(Tape played.)

(Continued on next page.)

(Tape played.)

Q Now, Mr. Myers, you just heard Mr. Wald, the supposed representative of the Sheik telling you that they were going to put up a hotel, 34.6 million dollars, and they were going to break in August -- break ground in April, is that correct?

A Yes, that is what he said.

Q And what did you think of that?

A Well, you know, I thought it was kind of an unusual story. Here is a major hotel complex, and that they were going to break ground like eight weeks from this date we are talking, this January meeting. I hadn't even heard a word about it. And something that significant would be in the press. There would have been a lot of talk about it. I never even heard about it. So I had my doubts about it, what he was telling me, that it could be true. And at this point in time I figured, you know, let me hear more.

(Tape played.)

Q Now, Mr. Wald has asked you if you could use your office in connection with the zoning problem, variances?

A Yes, he does.

Q You said you would be more than happy to. What did you mean by that?

A Well, I meant that if someone is going to break ground in eight weeks, they don't have any zoning and variance problems because that is already taken care of ahead of time.

In a City like Philadelphia that is dying for a hotel complex, and recently we lost a Democratic National Convention because we didn't have rooms. There wouldn't be a problem with zoning or variance. The City would bend backwards to try to get someone to build a 34 million dollar hotel.

I knew at this time this guy don't know what he's talking about. He is B.S.'ing me.

Q How could your office help on the municipal level?

A My office has nothing to do with zoning or anything along those levels. Nothing whatsoever. And there wasn't a problem. He is trying to create a problem that never existed and that would not have existed in a City like Philadelphia or any town where someone was going to invest that kind of money.

(Tape played.)

Q What help did you give with the Zoning Board?

A I could give absolutely no help with the Zoning Board.

But getting back to what I said earlier, he is talking about a hotel that they are breaking ground on. I knew there never was any zoning problem. If you are breaking ground obviously you are ready to roll. So there couldn't be a zoning problem. That stuff would have been taken care of 18 months to a year in advance.

So I know this guy is giving me a lot of B.S. So I just letting him go on. I am just letting him talk.

(Tape played.)

Q Mr. Myers, as you look at yourself on the screen at this point, describe to the jury what your condition is?

A At this point in time I am starting to get intoxicated.

My words are getting slurry.

If you watch my motion I am even slouching on the couch and I am really getting drunk here.

(Tape played.)

Q This is the first reference to the Mafia?

A Yes, sir.

Q What are you telling him?

A I used the reference here to try to deter them to stay away from Atlantic City, to come to Philadelphia.

Anytime I get a shot to -- anywhere they talk about it I tell them there is a problem there, but come to Philly. There is no problem. None of these problems exist. But if they think there is a problem there they will locate in my City, in my district.

(Tape played.)

Q You just assured Mr. Wald that you can deal in Atlantic city?

A Well, he was telling me that he wants to make some deals there. So I told him I could handle that too.

You know, I thought I have got to, you know, impress him. If he was insistent upon going to Atlantic City, well, then, I will handle that too.

(Tape played.)

Q How are you feeling at this point, Mr. Myers?

A Well, I gradually -- I can see myself throughout -- I have watched this tape many times and I can actually see myself getting more and more intoxicated as the meeting goes on.

(Tape played.)

Q You had previously mentioned the Port back in August, had you not, with the other representative of the Sheik?

A Yes, I did.

Like I said, I always talk about the Port.

Q And you raised it again?

A Pardon me?

Q You raised it again here?

A Yes, I did.

(Tape played.)

Q What did this computer service have to do with it?

Did it have anything to do with the conversation that is going on?

A That is nothing at all. It is just something I brought out, I was thinking about. I was talking to Mr. Criden. It had nothing to do with the other conversations.

(Tape played.)

Q You have just been asked whether there is a problem with a limo thing or something, and you told him you could handle that?

A Yes, I said that.

Q What did you mean by all that?

A What I meant, when he mentioned interstate, and he told me earlier about this excursion, junket package from Philadelphia to Atlantic City, and to get to Atlantic City you have to go through south Jersey. That is how I

mentioned the name Florio. I bring up the bit about becoming Governor and he is my close friend. To let them know how important I am. You know, they have to see me if they want to talk to Florio. Of course I never even talked to Floria about any of this stuff.

Q What about construction, and building trades and all that that you say you can handle?

A Well, these are all problems that don't exist so I keep telling him that I can handle them.

(Tape played.)

Q You have been asked about the City Council. And you say you can deliver four or five votes on the overall council.

Is that correct?

A No, that was not correct. I never could deliver any votes for any reason.

(Tape played.)

Q Mr.Myers, look at yourself again on the screen and tell us --

A I have got a bad picture here.

Q How do you feel at this point? Can you see that?

A Well, gradually I notice myself continually, you know, getting more and more heavy tongued.

(Tape played.)

Q Did you have these commitments that you are speaking of?

A No, I didn't have these commitments.

I talk about a seat being one seat, being a Pennsylvania seat. The seat went to California.

Of course I would have liked to have got it, me, and I guess about 400 other members approximately, but I didn't get it and I had no commitments.

(Tape played.)

Q Mr.Myers, you are telling him now that you won't go on a Kama Kazi mission.

What do you mean by that?

A A Kama Kazi mission means to me a mission where there is absolutely no return.

I wouldn't do anything wrong as far as my office was concerned is what I am trying to tell Mr. Wald.

By this time in this conversation I know that this guy doesn't know what he is talking about. He is all screwed up on the hotel complex. First he is going to break ground eight weeks from this conversation.

Now he is still looking at parcels in South Philly.

I know the guy don't know what he is talking

about.

So I want to make it clear to him where I am coming from.

I don't know whether he had any discussions with the other gentlemen, the other representatives that I met. He don't seem to be clear on certain things. So I take, you know, a different position. I am trying to make it clear to him where I am coming from.

Q In the meeting in August at the Kennedy Airport you tried to portray yourself as a very powerful Congressman?

A At the hotel you mean. Not at the airport.

Q Yes.

A Yes. I try to portray myself as a very strong guy in Washington loaded with influence.

Q Now, at this meeting at the Barkley on the 24th of June do you not tell him that you have got more influence in Philadelphia than you do in Washington --

A Yes, I reverse my position because he is looking for influence now in the City.

So I tell him how important I am now.

Q And in this passage we just read on Page 67 you go back and tell him how important you are in Congress?

A On Page 67?

A Yes. About your taking the spot --

A Well, I tell him that would be an important position and that I am going to take it. You know I'm trying to build myself up on all angles -- on all levels. If he talks about the City I am important there. Whatever he talks about I am important there.

(Tape played.)

Q What influence did you have in that county?

A I had no influence at all in Starrucca County. But like I said earlier, whatever he brings up I am the guy who can handle it. I have got the influence.

(Tape played.)

Q You just mentioned a key guy, a Democratic Chairman, Jim Dugan?

A I don't know any Jim Dugan. I made that up while he was sitting there.

(Tape played.)

Q Now, you mentioned Mr. DeBona. Is he in fact a friend of yours?

A Yes, I know Mr. DeBona quite well.

Q Did you play any part in getting him his job?

A I played no part whatsoever. A Congressman has nothing to do with the Port Corporation. He got his job -- the way it works, the Mayor recommends to the Executive

Board of the Corporation several names, and then they have a vote and select who they want to appoint to that job.

As far as my duties, I had nothing whatever to do with appointing that job. And Mr. DeBona's father, I think this is probably how he got recommended, was a very close personal friend of the previous Mayor.

Not only that, but you know Fred DeBona is a very, very sharp guy. And, as I said, he's a good lawyer. He is a guy that has done amazing things in that old Port.

Q Now,the Philadelphia Port Corporation that you mentioned here is a local municipal corporation, is it not?

A Yes. It is a local corporation and has nothing to do with me.

It is strictly on a local level.

Q And your interestin the Port is because of your background as a longshoreman?

A As I said from the beginning, anything that would help that Port, I would fly to China once a week to do something to help that Port, because it was good to me and my family. And it is just a good place.

(Tape played.)

(Continued on next page.)

Q You were asked by Wald what it's going to cost him in the bag, what does that mean to you?

A I thought he meant what it is going to cost to put this kind cold terminal together. I answered, I don't know without figures. I asked him about figures. I continually asked him to give me architects or builders and of course he keeps coming back that he's a financial man and he doesn't know about these things.

This guy at this point in time, I know he doesn't know what he's talking about. I still think maybe there is hope, if this comes, fine. I would love it if it comes.

MR. CACHERIS: All right.

(Tape played.)

Q You just told Wald you could use City Bond money, have to be approved by the City Council and electorate?

A Yes.

Q Did Wald ask you, did that help you on the floor?

A I say absolutely it helps me on the floor a lot.

Q What did you mean?

A If he thought it helped me on the floor, all right.

Q Did it?

A It has nothing to do with the floor.

This local stuff he's talking about is 130 miles removed from Washington. They have nothing to do with that.

Q When he talks about the floor, you understood it to mean the floor of the House of Representatives?

A That's what I understood it to mean, yes.

Q Mr. Myers, Mr. Wald directs the conversation back to private bills?

A Yes.

Q What did you tell him?

A I tried to talk around it. I'm trying to get by it without getting any real details because he still hasn't given me an indication he knows about the first meeting and why I went to the first meeting.

I am still looking for this guy to come across with an indication to make that clear to me and I still haven't heard it.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. Wald directs the conversation now to the Mafia?

A Yes.

Q What did he tell you?

A Well, he's asking me if there is any problems with the Mafia in the docks in the Port of Philadelphia.

Q What do you tell him?

A No. There is not a problem.

MR. CACHERIS: Okay.

(Tape played.)

Q You told him, if you have to deal with the problem, you can handle that.

What did you mean by that, Mr. Myers?

A I could handle a problem. He thinks there is a problem. The Sheik is paranoid about Mafia. If he thinks there is a problem, I can handle a problem that doesn't exist.

First I tell him no, you will see as we go on, he keeps insisting there is a Mafia problem.

If he wants to go back and tell the Sheik we can handle that, fine.

I go along with that.

MR. CACHERIS: All right.

(Tape played.)

Q You heard the telephone ringing several times during this conversation you had, didn't you?

A Yes.

Q Do you have any idea what directions were being given to Mr. Wald?

A No. I thought he was a financial advisor and was getting all these important phone calls.

Q Did you know there were prosecutors and FBI agents in the next room directing Mr. Wald's interrogation of you?

A No, I did not.

A JUROR: Could we have the set adjusted, please? It's very dark.

THE COURT: Yes.

(Pause.)

THE COURT: It is better?

MR. CACHERIS: Can everyone see that?

(Tape played.)

Q Mr.Myers, after you told Mr. Wald there is no problem, he comes back and asks you some names?

A Yes.

Q The name you gave him, one of the names is Angelo Bruno?

A Yes.

Angelo Bruno is a name in the Philadelphia papers, probably papers around the nation, for the last 25 years.

Q Did you have anything to do with Angelo Bruno?

A No.

I was never in the company of Angelo Bruno and didn't know him.

Q You also named Tony Testa. Is there a person --

A I found out since this tape there is a Philip Testa. I remember Testa being in the papers.

Q You know him also from the newspapers?

A From the paper, I know Naducia from the papers.

Q You mentioned Skinny Razor, how did --

A That is the name I remember going back to being a kid when you hear a Mafia name, it sounds important when you are a kid.

Skinny Razor has been dead for 15 or 16 years, I understand.

Q You told him you could deal with all these people?

A I can handle something that doesn't exist. He's trying to manufacture a problem. The Sheik is paranoid. He wants to go back and tell the Sheik we've got the Mafia covered, fine. Because it was never a problem, at least that I was aware of.

MR. CACHERIS: All right.

(Tape played.)

Q In fact, on Page 85 you tell him the worst thing you can do is get involved in any kind of Mafia problem?

A I'm trying to give him a hint. Don't think or talk about it. But he continuously insists a Mafia problem. I don't know of any Mafia. So this guy is rambling on and he's got me really confused. I don't know where he's coming from.

MR. CACHERIS: All right.

(Tape played.)

(Continued on next page.)

CONTINUED DIRECT EXAMINATION

BY MR. CACHERIS:

(Tape played)

Q Do you know a person known as Rachel Musto?

A No, I know a gentleman named Rayfiel Musto, who, at that time, was a member of the State Legislature in Pennsylvania. Here the alcohol is getting dimmer. I call him Rachel; his name is Rayfiel.

Q Did you hear the name Rachel in place of Rayfiel.

A I heard myself call him Rachel, a woman's name.

(Tape played)

Q Mr. Wall is talking about Mr. Malik.

Do you know him or anything at all about him?

A No, I don't know Mr. Malik at all.

(Tape played)

Q What are you talking about here, Mr. Meyers?

A Well, he refers to if the hotel is built in south Philly, the one the ground was going to be broken on eight weeks after this meeting. Now he's trying to lead me into a Mafia question here and I tell him as far as I know, anything to do with waiters, waitresses and that stuff is all union jobs and they must be union

employees. That's what I tell him. He doesn't have to give anything up, as long as they have a union book, they work.

(Tape played)

Q Mr. Wall is asking you to give up, amount of money, or give up, amount of money?

A I don't know what he's talking about. He keeps throwing all these questions to me. He is hitting me with stuff, I can't understand what he's really up to at this point in time.

Q What do you tell him?

A I tell him there is no problem. You don't have to give up anything.

(Tape played)

Q There, what do you tell him?

A I ask him if it's legitimate stuff that we're talking about here. You know, I'm trying to get him to say something to me.- Up to this time in the conversation, he's feeling me out, he's lying to me, I know he has been lying to me, and I am not sure about him. I don't know whether he knows anything about Mel Weinberg, you know, what I was told initially. I am trying to get clear what he's trying to convey to me. It's not coming through to me. He jumps from one area to

another.

(Tape played)

Q Here again, Mr. Wall is asking you what he has to give up and what do you tell him?

A I tell him it's not necessary. I don't know of it being necessary anywhere in Philadelphia. Anything on what he's talking about - - You know, he's throwing this stuff at me continually and I keep telling him that's not a problem and if he thinks it is a problem, I tell him I can handle it, because I know it is not going to be a problem.

(Tape played)

Q Is that part of the same theme, Mr. Meyers?

A Yes, it is, Mr. Cacheris. He just continually pressed me on these things, and at least I don't think there is any problem, I never heard of one, if he really believes he has to tell the sheik this is a problem, well then, I can handle it. That's what I'm trying to do here, trying to tell him to let the sheik know that Ozzie can take care of whatever problems you have. He just mentioned Poconos, I got Poconos covered. No matter what he mentions, I got it covered.

(Tape played)

Q Mr. Meyers, again, here you are telling him

that there are no scam artists - -

A I am trying to let Mr. Wall know that the way he is talking, he wants to walk into this city with bags of money, walk up and down Market Street and let everybody stick their hand in it. I am trying to tell him that's not the way to handle this, that's not the way to do business in this city.

(Tape played)

Q What are you telling him here, Mr. Meyers?

A Trying to impress upon him that if he thinks there is a problem, that he has to pay people, if people try to gorilla them, mafia or whatever, we'll take care of it. I wanted to convey the thought to him that I could handle any problem that could ever exist.

MR. CACHERIS: We're coming to the end of a reel. I think I can read it. It is also in the books. This is the part not on the video. It's on the audio.

THE COURT: I was beginning to wonder, do you want to continue through this before we break for lunch?

You have been about an hour, you're half way through.

MR. CACHERIS: I can do it either way.

MR. BROWN: I would rather break for lunch.

THE COURT: Would this be an appropriate time to break for lunch?

MR. CACHERIS: Yes.

THE COURT: We'll break now for lunch, ladies and gentlemen.

Don't discuss the case.

We'll resume at 2 o'clock.

(Luncheon recess taken)

M I C H A E L O. M E Y E R S, called as a witness, having been previously duly sworn, was examined and testified as follows:

THE COURT: Bring in the jury.

(The jury is in the jury box.)

THE COURT: All right, Mr. Cacheris, you may proceed.

MR. CACHERIS: Page 199, Mr. Meyers.

This portion of the audio will be played.

THE COURT: This is the bridge between the two reels?

MR. CACHERIS: Yes, your Honor.

DIRECT EXAMINATION

BY MR. CACHERIS: (Continuing)

Q Page 199, Mr. Meyers.

A Yes.

MR. CACHERIS: The headphones might be needed for this audio part.

All right, go ahead.

(Tape played)

Q Mr. Meyers, on the audio portion, you said to Mr. Wald, you know what you're looking for, be specific; what do you mean by that?

A I asked him if he has -- for some more infor-

mation about what he's looking for. All through the conversation to this point, he doesn't give me any facts. He continually evades the questions.

I ask him about tonnage or square feet at the piers, he doesn't know the answer.

I'm totally convinced at this point this guy doesn't know what he's talking about.

THE COURT: Proceeding with the video tape?

MR. CACHERIS: Yes.

(Tape played.)

Q You mentioned andalusite and he talks about hard coal, aren't they indeed the same?

A As far as I know, yes.

MR. CACHERIS: All right.

(Tape played)

Q Do you know what Mr. Wald was saying to you at this time?

A He continually confuses me when he gets involved with coal. The only thing I ever heard about coal is tons. He talks about cubic feet, square feet. He's got me really confused.

He talks about 14 tons. I never heard of 14 tons of coal, millions of tons is what they talk about when you talk exporting. One ship would hold over one-

thousand tons.

He doesn't know what he's talking about. I am letting him go on and on.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. Meyer, this passage that was just played, were you asking for architects and engineers? What are you telling him?

A I want him to give me some facts. He just will not do it. He cannot give me any facts, making it more and more clear to me this guy may be a financial man, he wouldn't be there building hotels not having any knowledge of nothing.

(Tape played.)

Q You just said give me a little bit more of that tip, boss?

A I was asking for a refill in my glass.

Q Had you finished the other?

A I finished the drink I had in my hand.

Q How are we feeling at this point?

A I would say right now I am about three-quarters of the way done towards being drunk.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. Wald is telling you he's not going to be involved in the hotel-motel with coal anymore, what did you take that to mean?

A At this point in time, I just figured he didn't want to provide me with any answers to these questions.

When I viewed the video it becomes clearer he got instructions he was on the wrong area because he couldn't answer these questions.

Any minute I have to find him out that he is a liar.

MR. CACHERIS: Okay.

(Tape played.)

Q Mr. Wald tells you he came for the express purpose to make sure the municipal Government is friendly with --

A Yes, he says that.

(Tape played.)

Q He's asking you about your influence in the city council, knowing things that are taking care of, what do you have to do with --

A I have nothing to do with any zoning matter or any matter concerning local government. Mr. Wald never stops with the hotel. Now he's telling me he's not sure if it's in South Philadelphia. He told me they were

going to break ground in eight weeks. I realize he's lying but I let him go on.

It's obvious because of the first meeting on the 22nd with Mr. Weinberg I'm trying to get answers out of him.

(Tape played.)

(Continued on following page.)

(Tape played.)

Q Mr. Myers, what are you saying here?

A Well, I am promoting the building and constructions trades, and what a good job they do in our City.

And I also am evading his question when he hits me with titles.

And I go into promote the City again, and how good the unions are.

(Tape played.)

Q Mr. Myers, when you use that expression, what are you trying to say here?

A They keep bringing up money, money, money. So, you know, if they think it is that important I tell them that it is.

(Tape played.)

Q Now,you are saying that you got screwed the last time.

A Yes, I say that.

Q Why did you bring this up?

A Well, at this point in the conversation it is very, very clear to me that Mr. Wald don't know what he is talking about as far as any investments in any kind of any kind of hotel, or anything else that he is talking

about. So I figure this is a good time to bring up the last discussion and find out if he knows anything about Mel Weinberg. If he knows anything about that transaction. That is how I got involved with that is how I got screwed. I tell him the story.

Q What do you mean by that?

A Well, what I meant by it was that I got screwed because I was told I was going to get $25,000. And when I come home I got $15,000. Now, I don't know who ripped off at the top, who was skimmed in the middle. I thought maybe I could get some of these questions answered by him.

I thought it was a good time to bring it up.

I am also getting drunk here.

(Tape played.)

Q You say you were supposed to go to New York, New Jersey,New York, whatever you want to call it and meet various people, and some people didn't show.

What are you saying there?

A Well, what I meant by that is I was told that I was going to meet with the Sheik. I was told I would meet the Sheik himself, who didn't understand English. Now when I got there I didn't meet the Sheik. I met the Sheik's representative, Mr. DeVito.

(Tape played.)

Q You tell him you heard all these big figures?

A Yes.

Q What was your state of mind at that time?

A Well, I heard all these big figures. And Lou originally told me about the hotel in Atlantic City. I thought it was true. Lou was a lawyer, a smart intelligent man. I didn't think he was being conned. I thought for sure that this was a legitimate deal, and when they spoke about all this money and all these investments in Philadelphia and in the Valley area and the region, but here they continually talk about it, but I never saw it. All these investments, all these hotels, all these Piers. Nothing ever comes. When I ask questions, they don't have answers.

(Tape played.)

Q What did you mean here when you tell him what the facts are and about getting involved?

A Well, I am telling him I got 15. He obviously was under the impression I got 50.

I want to get involved because I agreed to go up there. There was nothing I ever had to do. I never did anything. I agreed to meet. I keep telling him that the people who brought me I had confidence in. And that is the reason I went there. I am trying to make it clear to him.

Q Did you tell him that you were interested in business for the City?

A I am always interested in business for the City.

But I never see any business coming. This is the problem.

(Tape played.)

Q Do you notice your manner of speech in this passage?

A Yes, I do.

Q Is it your normal manner?

A No, it is not.

I am really getting under the weather here to the point where I am just mumbling. You know, what can I say about it. I don't feel good about it. It is embarrassing even to watch it.

(Tape played.)

Q Did I understand you to say you owe me 35?

A Yes, that is what I said.

(Tape played.)

Q What do you mean here, Mr. Myers?

A Well, they give me the impression that there was no limits to the money. They had so much. Johanson told me that a hundred thousand dollars was peanuts to the

Sheik. And, you know, I just thought that all of this money was going to come into Philadelphia and be spent in my district and in my City.

(Tape played.)

Q Now, they tell you that the note was supposed to be a hundred, and your response is that you were supposed to walk away with 50, is that correct?

A Yes.

Q Were you supposed to walk away with 50?

A No, I was supposed to walk away with 25.

But earlier, a few pages back, Mr. Wald, he made it sound like I was supposed to get 50. So I didn't disagree with him. He only owed me ten the way I looked at it. I knew he was mixed up then.

(Tape played.)

Q What do you mean in this last passage about the fact that you didn't know whether it was a scam or shake down?

A Well,when I got back to Mr. Criden's law office, a hundred thousand dollars went from a hundred to fifty in about a two hour ride from New York down to Philly.

I had my doubts about the people at the top, Mr. Weinberg and the other representative. I had some doubts

about the people above me. That is the quickest fifty I had ever seen disappear.

(Tape played.)

Q What are you telling him now, Mr. Myers?

A Well, we are talking about Bill Greene, who is the Mayor of Philadelphia.

You know, I had all this power that I am telling about. I can control anything. I didn't even want to get into that area because if he asked me to deliver I couldn't deliver.

I couldn't call the Mayor and talk about anything. And I just wanted to lay it out ahead of time in case if he got into that area, because he is really going all over the lot here.

(Tape played.)

Q At the bottom of Page 129 you say you dealt with who?

A Harold.

Q Who did you mean?

A Howard Criden.

Q And you called him?

A Harold. I called him the wrong name. Now, you know I am drunk. What can I say.

(Tape played.)

Q Look at yourself in the screen, Mr. Myers, did you spill the drink down the front of you at that time?

A I can't tell from this. I wasn't watching when you went into it.

I know watching it from before I did see myself spill drinks down the front of me and in my face.

MR. CACHERIS: May I go back, your Honor?

THE COURT: Yes.

(Witness observes himself on screen.)

Q Did you see it then?

A I saw it. I had saw that once before. But I didn't catch it the first time you asked me because I was following the transcript.

MR. CACHERIS: Go ahead.

(Tape played.)

Q You say when this happened to you you backed off. What did you mean by that?

A Well, these people were untrustworthy. You couldn't be dealing with them in any way at all. I never tried to approach anybody. No one ever tried to approach me. I just forgot it.

(Tape played.)

Q Now Mr. Wald again starts telling you about 50, and 35. And he says that handles the immigration

situation and Bill, the whole thing.

What was your response to that?

A I knew that that was never a problem because that problem did not exist.

I would never have to do anything along those lines. I was told that time and time again that this never would even be a possibility because everything was taken care of through Mr. Weinberg and this wouldn't be a problem for me to ever have to get involved with it.

I never got involved with anything. I never intended to get involved with anything.

And I was told that time and time again.

Q In fact you didn't even answer the statement that he made, did you?

A I didn't answer the statement because he says you have got 35 coming. His arithematic was bad. I had ten coming. I didn't answer. He is making mistakes.

(Tape played.)

Q Now,. Mr. Wald again is summing up and telling you that the things that we talked about is the City, the docks, organized crime and you start talking about architects?

MR. PUCCIO: Judge, I object to the statement and the question.

THE COURT: It is more in the nature of summation,

Mr. Cacheris.

Q Did you start talking about architects?

A Yes. He hits me with we will give you one package. He is talking about putting a package together. And I asked about development and architects. I just dodge around the question.

(Tape played.)

Q What are you telling him here, Mr. Myers?

A I am asking him if I am free to talk. He is not biting. He is not -- it don't seem like he is entering into the same kind of agreements that Mr. Weinberg wanted to enter into.

I am trying to get some direction off him. I am looking to save him money. He don't want to save the Sheik's money. So I figured he wants to waste it. So I come back with that kind of question trying to get him to say something to me that I can understand.

This gentleman just will not respond to my questions. Everytime I hit him with something he don't understand me.

(Tape played.)

Q What are you saying there, Mr. Myers?

A Well, I am trying to tell him a point where I got fifteen thousand when I was told I was going to get twenty-

five. I am trying to make him understand I have got to know what I am talking about. I am to get him to tell me something which he won't do.

That is, I am trying to use this as an illustration because of the great fears that they keep talking about Mafia. So I figured, you know, if I got to go downtown to do something I have got to know facts. That is the point I am trying to convey to him. But again he just will not come back.

(Tape played.)

Q Mr. Wald again says the immigration situation is handled. Did you respond to that?

A Yes. I wanted to be clear on it. I keep asking him to make it clear. I know what was clear to me. But he sounded like he didn't know what was clear.

What I was told prior to the first meeting at the hotel in New York was clear to me. That I didn't have to do anything. Would never probably see these people again. And I never intended to do anything. It seemed to me this thing was now out of hand. I don't know whether he was communicating with Weinberg. I was getting very confused here. I wanted to make my position clear.

(Tape played.)

Q When you look at yourself in the screen there,

will you tell the jury what your condition is?

Q Well, my condition at this point, I am drunk.

(Tape played.)

(Continued on next page.)

Q Can you handle the five city councilmen?

A No, I cannot. I never had any dealings with city councilmen on these levels or any others.

MR. CACHERIS: Okay.

(Tape played.)

Q You mentioned four names, who are they?

A I mentioned four names, members of the city council. I never spoke to anyone of these city councilmen. I have no control over them. I know them as being members of the council. As far as having any influence what they would do, I have none whatsoever.

MR. CACHERIS: All right.

(Tape played.)

Q You say you will use your influence, office, and personal friendship; what did you intend --

A I told them whatever they wanted to hear. They keep going over the same thing, never stopping with these questions by Mr. Wald, the way he is hitting me. Influence, influence.

I would have told him at this point in time I could have done everything he could have dreamed up.

He's talking about problems I don't even know. I come back with: don't worry, I can handle it. It's total B.S. here.

Q All right.

(Tape played.)

Q Again, you are asked about the Mafia, what do you tell him?

A I told him it would be handled strictly through me and to keep it very quiet. My reasoning there is that there is no problem I know of with the Mafia. Not a problem existing.

That you can deal through me. I can handle this problem that doesn't exist.

MR. CACHERIS: All right.

(Tape played.)

Q What are you saying here, Mr. Meyers?

A Finally, I told him to throw another 50,000 in here after he is pressing me, don't be embarrassed. This is too much B.S. This guy doesn't know what he's talking about. I'm going along with whatever he is saying.

MR. CACHERIS: All right.

(Tape played.)

Q You are telling him you can handle anything?

A I can handle anything. And I can't put a dollar figure on it. He wants to put dollar figures on everything he talks about.

It's not -- it's a dream when someone thinks

that way.

This type of problem, zoning, city council matters, anything going to benefit the city of Philadelphia, the city council will pass overwhelmingly. Everyone knows that. The problems he imagines do not exist. That's why I say he can do anything. Anybody going to spend 400 million dollars they would lay a red carpet down for him on broad street. We need help in this city. This guy is talking about -- everything he does, give me a price. It's ridiculous.

MR. CACHERIS: All right.

(Tape played.)

Q Mr. Wald says, if a vote comes you will use all your influence; what vote do you have?

A My vote is in the United States Congress. He's referring to here a vote in the city council.

Again, the kind of problems he envisioned don't exist. The city council wants a hotel complex. Automatically, they're for a port development. Anything that is going to help the city. He's making problems that don't exist. But he's putting prices on everything.

If the shiek wants to come here -- he wants to tell the shiek about coming here and spending money every inch of the way.

If that is what he wants to be pulled, I keep

telling him. He doesn't pick up the point.

(Tape played.)

Q You are telling him here, Mr. Meyers?

A I am trying to give him a little advice, you don't run around with money sticking out of his pockets. He's trying to force money on everything. Prices on everything. Trying to make it clear that is not the way to do business.

(Tape played.)

Q And what did you tell him you would submit a bill for?

A I would submit him a bill each month for three million dollars a month if that is what he wants to hear. It's ridiculous.

(Tape played.)

Q And what did you do when Mr. Wald was trying to get you to say here, Mr. Meyers?

A He's telling me he trusted me, I take it the shiek. If there were extra bucks they would have them.

Q Did he ask you for figures?

A Throughout he asks, give me figures, sure.

(Tape played.)

Q What did you mean by this response, Mr. Meyers?

A What I meant, he continually talks about the tremendous amounts of money. I'm trying to impress him that I can show him how to spend it if that is what the shick is interested in doing.

I would be the guy to advise him, make myself sound important again.

(Tape played.)

Q Mr. Meyers, you tell him to give you an additional fifty and you're going to work on people, city council, the Mafia, Chicky Narducci?

A He has no problems with any of this stuff. These are problems he manufactured and do not exist. I don't know of any problem in anything I say here.

He thinks it's a problem and he wants to go tell the shiek about the problem. I know there is no problem.

(Tape played.)

Q You say you want me to tell you to give me ten million --

A That is what I say.

Q Why?

A I'm looking for a response from him. Waiting for him to tell me more about the first meeting, the reason I went up to the first meeting. The reason I was brought up to the first meeting, I wanted to find out if Mr. Wald

is in someway trying to steal something of the shiek the way the other representatives were. If they wanted me to tell the shiek to give me ten or 20 million dollars, I wanted to hear it from him.

He's not making himself clear what part he's playing in this.

(Tape played.)

Q Do you know they were trying to get you out of here at this point in time?

A I didn't know it at that point in time when this actuall took place. It's very obvious to me now, of course.

(Tape played.)

Q What are you telling him here, give you some clues?

A I wanted him to give me clues if he is in on any shake of the shiek, I want to know about it. I want him to tell me if he's going back to the shiek with a story and going to ask for X amount of dollars but I want him to tell me the same way I was told in the first meeting.

(Tape played.)

Q Mr. Meyers, what is your condition at this point in time?

A I can't in my whole lifetime -- I never

told anybody about my education before. I'm trying to pose as a tough guy. I'm totally out of the picture here.

Q Did you tell them you could handle all the problems?

A All the problems. If he had money he would have no problems.

He brings up money with every problem he manufactures.

(Tape played.)

Q What did you tell him then?

A I am making it clear, he's not clear about the introduction of the bill. I'm making it clear that I will not go out and introduce any bills. I never intended to introduce any bills and I was told that at the first meeting.

All through the conversation when I tried to get this kind of colloquy going with this gentleman, he wouldn't enter it.

I wanted to make it clear and I'll make it clear at this point.

(Tape played.)

Q You are telling him if you envision a problem you don't know what it is, local, you can take care of it?

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A I can handle anything. Even the ones he envisioned. If he thought of something else I could handle that too.

(Tape played.)

(Continued next page.)

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(Tape played.)

MR. CACHERIS: At this point Mr. Myers leaves. So I don't see any point in playing the rest of that tape.

THE COURT: All right.

MR. CACHERIS: Would it be appropriate to take a recess now, your Honor?

THE COURT: All right.

We will take a short recess. Don't discuss the case during the recess.

(Recess taken at 3:27 p.m.)

(After recess.)

(Jury entered courtroom at 3:40 p.m.)

BY MR. CACHERIS:

Q Mr. Myers, the next evening, January 25, 1980, did you go back to the Barkely Hotel?

A The following night, yes.

Q I am making reference to Exhibit 8A, if you would look at it in your book. Who asked you to come back?

A I received a call from Michael Cohen, agent Wahl, that is, to come back.

Q Did you go back?

A Yes, I went back.

Q Why did you go back?

A Well, I went back to find out what had happened the night before.

I was drunk when I left. I wanted to explore further other investments in the city. I wanted to see if he had any facts and I wanted some more information.

Q Did Mr. Wahl say anything to you about a Moslem retribution?

A Yes.

He talks about if anybody in his organization tried to skim there would be certain things that Ernie would have to do and wouldn't stand for any kind of nonsense.

It scared the daylights out of me. I thought e eant her would have to have Mel Weinberg killed.

Q Did you -- would you turn to page 8?

A Page 8?

Q Yes.

You almost didn't take the 15.

A Yes, I said that.

Q What else did you say?

A I told him I almost didn't take the money because I was afraid there was a scam all the way and the

only reason I did take it was because I thought I would get ripped off if I didn't take it, the people who scammed me in the beginning would even get that money.

Q Now, on page 14, at the bottom, did Mr. Wahl tell you all those things you talked about last night with 50? What were all those th ings you talked about last night?

A I take it he was referring to all the local things, city council and zoning.

Q Was that anything you could do anything about?

A First there were no problems there and secondly I had no influence in that kind of stuff.

Q Now, Mr. Myers, throughout your contacts, starting in August 22nd, going through the meeting of the 24th, the 25th, a number of different topics were thrown at you, weren't they?

A I don't even know how many. There must have been fifteen, all kinds of topics.

Q Did you tell them you could eeal with the Judiciary Committee, the Immigration Department and the State Department?

A Yes.

Q Could you?

A No. I have no influence on those committees. I don't serve on those committees.

Q Did you intend to use any influence with those committees?

A From the first meeting I didn't intend to do anything and I was told that, I never did anything and never had any intentions whatsoever and I was told that this problem couldn't even exist even if the sheik wanted to come to America, it wasn't a problem because he already had arrangements to go to South America.

I knew I couldn't be involved ina problem and I was told that from day one.

Q Were you also asked about construction unions, and hotel employee unions, zonings and variances, the Mafia, Atlantic City, the City Council,school county, Pocono mountains, Rodino, Florio, Duggan, Cavona, Testa, Narducci, Skinny Razor, Brunoa, Anne Verno, Jimmy Arfranafti and Al Perna; is that correct?

A Yes, I was asled about those things.

Q Did you tell them you could do anything in those areas?

A I told them I could handle any problem that could ever exist with all these people and all those places.

Q Could you?

A I couldn't. I never even spoke to them about this problem. I never seen a problem that existed.

Q Mr. Myers, you told this jury that in August of 1979 you received $15,000, is that correct?

A Yes, that's correct.

Q Did you receive any other money?

A No, I received no additional money.

Q Did you thiknk it was proper for you to accept that money?

A Well, when I looked at this tape, I know it wasn't proper that I accepted thismoney but I didn't do anything wrong for it. I didn't break any laws. I never intended to do anything wrong nor did I do anything wrong but when I vew this tape I know it wasn't right.

Q Did you intend to do anything in connection with your congressinal office?

A No. And I made that clear from the first minute I got involved in this whole thing and I was told that.

MR. CACHERIS: I have no further questions, your Honor.

THE COURT: All right, Mr. Duffy.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Ozzie Myers, were you conned?

A I certainly was conned.

Q In Philadelphia we all call you Ozzie. I will call you Congressman Myers. We are both from the same town. I want to go over a few things that Mr. Cacheris did.

You referred to Testa and Narducci as the young Turks.

Do you remember that on the tape?

A Yes.

Q And you said Bruno is the perennial head of the Mafia but the young Turks are Testa and Arducci, yes.

A Yes, I remembver that.

Q And you got Testa's name wrong?

A Yes, I called him Tony.

Q Assuming they are Turks is there anything young about those Turks?

A I don't know them.

Q Have you learned since that they are both men pushing 60 years of age?

A Yes.

Q Where did you find that out?

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A Well, the press told me. Lots of people told me when it appeared in the Philadelphia papers about all these Mafia terms, young men pushing 60. I don't know them or know their right age.

Q I want to talk about the drinking that went on at the Barkley Hotel.

MR. PUCCIO: I object to the statements, your Honor.

MR. DUFFY: I will withdraw it, your Honor.

Q Did you do any drinking at the Barkley Hotel?

A Yes, I did some drinking there.

Q Are you Irish?

A Half Irish.

Q Did you hear on the tape the clinking of ice periodically throughout the video tape?

A Yes.

Q Did that ice clinking -- strike that. Who was clinking the ice in the glasses?

A I am not sure who was. I don't know.

Q Did the clinking of the ice have any conscious effect on you as regards your own drinking? Do you know what I mean?

A No, I don't think so.

Q You weren't aware the clinking didn't make the events, didn't make you aware of anything at that time?

A No. I remember hearing the ice on the tapes but then I don't remember hearing any ice.

Q Your conversation with Louis Johanson?

A Yes.

Q How long had you known Lou?

A I have known Lou about five or six years.

Q And that was through political activity in our city, is that right?

A Yes, that's how I met him.

Q Lou was a ward leader and so were you?

A Yes. We were both Democratic ward leaders.

Q Was it at all unusual for Lou to come to you and say he wanted to talk to you about something?

A No, I didn't think it to be unusual.

Q When you went to his place in Longport and met with him, tell this jury hat emotional status was there when he talked about these millions of dollars --

A He was very excited. He saw an opportunity for him and law partner Mr. Criden to land their hotel deal which would mean millions of dollars to them as a commission to sell this real estate. He told me he was going to retire and I wished him well and I thought he

was.

Q When he discussed with you the desire of the sheik's people or of the sheik to meet important people, he didn't say Congressman to you, did he?

A No, he just said important people.

Q When he talked about the $100,000, didn't he say, we are going to make $100,000, just for introducing important people to these people?

A Yes.

He explained to me that him and Mr. Criden would get $100,000 off the sheik for introducing the sheik to important people.

Q Didn't he tell you that the notion was for that to be divided four ways?

A Yes.

Q Didn't he say, there is a fellow, Mel Weinberg, who is going to split 25 of it with this partner?

A Yes, he did.

Q Did he say Mayor Errichetti is going to keep 25?

A Yes.

Q And didn't he say that Howard and I get the other 50?

A Yes, he said they would get the other 50 and

they would give me 25 of their end of it.

Q All right.

Did you believe then that Louis Johanson was going to get $100,000?

A Well, I --

Q At that point?

A Well, really it was hard to believe. I told him it sounded like a fairy tale.

That's when he told me that the $100,000 to the Arab sheik was like peanuts to him and I.

He was so excited about this deal in Atlantic City, I thought as a lawyer he is in that kind of business, I thought that it was true.

Q Ozzie, didn't he say to you, Ozzie, they are so loaded with dough they are giving away free money.

Do you remember hikm saying that?

A Yes, he told me that the sheik had met with a U. S. Senator and met with other congressmen. He didn't mention any other names. He didn't mention other names and I didn't pursue them.

Q Do you remember him telling you, answer this yes or no, and then you can explain it, do you remember him telling you that their producing important people to meet these Arabs would play a role in determining

whether or not the hotel deal would go through?

A Yes.

MR. PUCCIO: I object to the leading, your Honor.

THE COURT: Sustained.

Q Was there any conversation between you and Lou about the hotel deal and the impact of bringing important people to meet the Arabs?

A Yes.

Lou told me about the hotel. I thought the way he -- he was so excited about this hotel deal, it was part of the reason that I went up and met with these people because I thought I could do Lou a favor, in turn he said my political friends and personal friends --

Q In fact, he helped you out in a couple of elections, didn't he?

A Yes, he supported me.

MR. PUCCIO: I object.

THE COURT: Overruled.

THE WITNESS: Shall I answer?

THE COURT: Yes.

THE WITNESS: He supported me in the last general election and he was always there in all kinds of political activities that helped me and my

area in the city.

Lou is a guy that many times provided free legal advice to people that needed a laywer and couldn't pay for it.

Q When the time came and Louis -- I think you said he dropped by your house and said there is a meeting scheduled for tomorrow?

A Yes, that's what he did.

Q Did he tell you that Weinberg and the Mayor would tell you what would go on at the meeting?

MR. PUCCIO: Objection.

THE COURT: You are just rpeating his direct testimony.

Overruled.

A Yes, he told me that.

Q Did Louis have anything to do with telling you what to say or do at the meeting?

A He mentioned the fact about immigration but he did not have all of the details.

He told me that Mayor Errichetti and Mel Weinberg would give me a script and tell me exactly what to say and tell me how to handle the sheik when I meet him.

Q When you met Mayor Errichetti and you told

us that he said Weinberg couldn't make the meeting, that he mentioned the word "script"?

A Play acting, come on strong, you saw me on television, there were all referrals to the script, you have to come on strong.

I told him if I need an area that I couldn't handle, I said, how do I explain at that point? He said talk about the Phillies because he doesn't understand English.

Q Back to Philadelphia for a moment.

You talked in this Jnauary 25th meeting at the Barkley Hotel a great deal about the Port of Philadelphia, is that right?

A Yes.

Q Tell the jury how far you live from the water?

A Right currently I live at 6th and Arden Avenue.

Q Is it six blocks from the waterfront?

A It's a little further than six. It's about ten. I was born almost on the waer where I was raised until I was 13 and they built Stone House Lane, near the river.

Q After this meeting progressed, is it so that

you were drinking bourbon?

A I was drinking bourbon and as I watched, not particularly today, but as I watched this video prior to today,I could see myself taking these very large gulps, I counted some of the mouthfuls that lasted four or five seconds.

Q You described the glass as being a McDonald's tumbler?

A Yes, it was a big water tumbler.

Q For those of us who don't know what a McDonald's tumbler is, tell us how many ounces that was.

A I would say 12 ounces.

Q How much whiskey was in the first drink you had?

A There was some ice in it. I asked for bourbon on the rocks.

Q Was it filled up to the top?

A Right up to the top and you could see that on the monitor.

Q Do you have a judgment how much whiskey was in it?

A I would say eight ounces allowing for the ice.

Q When vyou gave it back did you say, boss, give

me a tip on that?

A It was empty and he filled it up again.

Q The same way?

A Yes.

Q The same, eight ounces?

A Yes.

Q Six [illegible] ounces of bourbon in an hour and a half?

[illegible]bout what I drank.

[illegible]ou become aware at least today of what your condition was, let's say in the last ten minutes of that meeting, when the two phone calls came in about four minutes apart?

A I became aware today, and prior to today, watching the film that obviously they were trying to get rid of me at this point in time.

Q You told them from time to time when problems came up that you could handle them, am I correct?

A Yes, I told them I could handle anything they brought up.

Q When they talked about coal, you mentioned Clinton and Center County?

A The reason I mentioned those two counties I

go deer hunting there and that was a coal county in the twenties and thirties. If you go over those mountains you go over coal hills and it is very obvious that the damage that was done in those days, those days they didn't have the lane reclaimation act. It's still very obvious that used to be a coal region.

Q When they talk about coal, where do you turn the conversation?

A Back to the port.

Q How many people do you know personally in the longshoremen, stevedore, waterfront business, yourself, who are now unemployed but employable?

A Oh, I know hundreds.

Q Men who don't have work in the city?

A Men who don't have work in the city and a lot of it is because automation and the shipping industry and of course the coal fields when they closed all the coal exported out of there that went down the tube, and it is a port that really needs help.

We have a deep canal, a 40-foot canal in that --

Q All right, don't make a speech.

Are they people who vote for Ozzie Myers?

A That's the reason I got elected the first time and ever since.

THE COURT: All right, Mr. Ben-Veniste.

Q Mr. Meyers, you had not ever met Howard Criden before August 22nd, 1979, had you?

A No.

Q And the first time you ever laid eyes on him as far as you know is when you met him at the terminal, at the Pan Am -- at the Kennedy Airport?

A Yes, at the airport, yes, sir.

Q And on that occasion was there anything more than small talk and an introduction?

A Just an introduction, and that was it.

Q And then you said you went off with Mayor Errichetti and talked privately?

A Yes.

Q Now, on August 22nd, at page 15, if I can direct your attention to that?

A Seven A is that?

THE COURT: Six A is that?

MR. BROWN: Five.

THE WITNESS: Five?

Q Right at the middle of the page.

A What page was that?

Q Page 15.

A Fifteen?

Q Right at the middle of the page.

Q Do you recall Mayor Errichetti says that you, meaning DeVito, and Weinberg can call Ozzie directly.

A Yes, I recall that.

Q Now, from the time of that meeting until you saw Cohen in January, had they ever called you directly?

A No, I never heard from anyone.

Q Now, the next thing you heard was a telephone call from Howard Criden? Is that correct?

A Yes, sometime in January.

Q That was, I think you said, on the very day that you met him?

A The very day that I met him. The first meeting.

Q And now, in the conversation you had with Mr. Criden, as I recall your testimony, he told you that the Arab representatives were back in town?

A Yes.

Q That they wanted to make some investments in Philadelphia?

A Yes.

Q That you had impressed them or their representatives at the first meeting, according to what Mr. Criden had been told?

A Yes, that is exactly it.

Q And that there was another Jewish guy who got involved named Cohen who was to meet you.

A Michael Cohen, he said, was now in Philadelphia putting together a hotel-complex.

Q Now, on the 24th at page 125, and that would be Exhibit 7a, near the top third of the page, you say: "I don't need anybody talking for me or making a deal for me..."

Do you recall that?

A Yes, sir.

Q Then nevertheless later in the conversation it is a fact that again they say that if they want to get in touch with you they will involve Criden again. They will get hold of you through Criden.

A Yes.

They say, well, you know -- I say, well, Howard can call me --

Q But there is no explanation as to why they wanted to get Howard Criden involved in all of this?

A No, I didn't know about it.

Q Between August 22nd and January 24th, have you had any conversation with Howard Criden whatsoever?

A None, whatsoever. I never even heard from him, or saw him, or anything else.

Q Did Howard Criden ever indicate to you by word or act that he ever expected that you would do one thing in your official capacity or otherwise on behalf of these wealthy arabs --

A No, he never mentioned one thing about anything that I would have to do.

Q And indeed as far as you know from any other sources you were not expected, and indeed you did not believe you would ever do anything in your official capacity on their behalf?

A I --

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Is it not a fact that consistently from the standpoint of the people who asked you to come to the meeting you were told in reverse, that you would never be called upon to do anything?

A I was told that from the first time I even discussed meeting with the shiek. I was told that by the Mayor. It was reenforced to me by the Mayor. And he told me point blank that you will never see these people again. Don't worry about that. Whatever they want to hear just agree with them.

And I was hedgey when I found that the

shiek wasn't going to be there and his representative was going to be there and that he understood English. And I know I couldn't talk about the Phillies, if he understood English. You know, so I was concerned about that. And that is when he told me about Mel Weinberg, and that there was arrangements would be made if the situation of the shiek became hostile and had to leave his own country, ard he was going to South America, and there would never be a possibility I would ever have to do anything.

Q In fact, is it true, Congressman Meyers, that during this whole time from the beginning of the time that brought you into the net until the time that the masquerade was over, that you did not do one single thing on their behalf?

MR. PUCCIO: Objection.

THE COURT: Sustaine.

Q And is it true that you did not do one single thing in your official capacity or otherwise in their behalf?

A Yes, it is true. I never did nothing. I never intended to do anything. And I was told point blank that I didn't have to do anything.

MR. BEN-VENISTE: Nothing further.

THE COURT: Mr. Brown, any questions?

MR. BROWN: I have a few questions briefly,

your Honor.

CROSS EXAMINATION

BY MR. BROWN:

Q Congressman, I think you testified that you didn't see or meet Mr. Errichetti in terms of the matter we are talking about until August 22nd, is that right?

A That is correct, yes.

Q And you have outlined the conversation that you had, is that right?

A Yes.

Q Now, where was this conversation held with Mayor Errichetti?

A Well, I had two conversations with Mayor Errichetti.

Q Well, those conversations .

A Pardon me?

Q Well, those conversations, if they are plural.

A The first one was held at the Kennedy Airport when he pulled me away from the main group and stayed on the side, talked for about 10 or 15 minutes, about what I was to say or what I was to do when I met with the Arab Sheik.

And he went on to tell me what I should do.

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He said, "Did you ever see me on television?

"Come on strong. You've got to talk like a tough guy. You were a longshoreman. You know how a tough guy operates. Talk tough. You have got to impress the sheik. He likes tough guys. This is all play-acting. And make it as strong as you can."

He says, "You'll never see these people again."

That is when I told him, "Yes, but well, you know, what if he asks me in an area that I don't know or that I can't explain."

He says that, "He doesn't understand English. Talk about the Phillies. Talk about anything. I will be in the room. Mel will be in the room. If you have a problem we will take over." He made that very clear.

Q Now, when you got to the hotel, you saw Mayor Errichetti again.

A When I walked into the hotel I saw Errichetti again. He was standing -- he was waiting for me. I was only a few minutes behind him because I came in my own car.

Q Was he alone?

A He was standing alone by the elevator.

Q Yes?

A When I walked up to the Mayor that is when

he told me that there was a change in plans. There was a change. The sheik himself would not be present. One of his representatives would be there. But he would still be in the room. And Mel would still be in the room. And come on strong the same way.

Tell them whatever they want to hear. And at this point in time is when I talked about it and I said well, he will understand about immigration matters. What will I say if he understands all of the procedures. How will I explain that I know everything about this when I don't really know about it.

That is when he told me that Mel says don't worry about that. Tell them whatever you want. Tell him you will do anything that he asks you because this could never even be a possible situation because the sheik was already established and was set to go to South America should there ever be a problem in his homeland.

Q Now, when was the first time you saw Mel Weinberg?

A The first time I ever saw Mel Weinberg was when I walked into that meeting at that hotel.

Q Did you ever exchange any conversation with Mel Weinberg?

A He hardly spoke. He just sat there. I

thought he was playing his part, waiting for me to make a mistake. He only said one or two lines in the whole 20 or 25 minute meeting.

Q Was everything consistent as far as you could see as to what the Mayor had told you was the game plan?

A Yes, it came off just the way it was supposed to. He started me right off. I made a speech telling him how important I was. I got stuck on green cards because I didn't know the procedure. He interceded and he bailed me out of that because I didn't know about the green cards. Everything seemed very consistent.

Mel at the end just talked about the goose that laid the golden egg. That fit right in with the picture.

Q Well, how did that fit into the picture as far as Weinberg --

A Well, Weinberg was obviously robbing his boss. He was taking some money off of his employer.

Q Now, the meeting finally ended on the 22nd of August? Is that right?

A Yes.

Q Then you testified as to a meeting on January 24 of 1980, is that right, five months later?

A Yes, that is correct, Mr. Brown.

(Continued next page.)

Q After you left that room on August 22nd, did you thereafter see Angelo Errichetti in any way connected with the matters that are being testified to here today?

A No, I did not.

Q And from that day, when was the next time that you actually saw Mayor Errichetti?

A August 22, 1979.

Q I this Courtroom?

A Right.

Q Now, as you walked into the second meeting on the 24th you saw certain people there, is that right?

A Yes.

Q Weinberg was not there?

A No, he was not there.

Q Now, from your understanding of the entire proceedings that you testified to today, did you conceive or understand any connection between the meeting of January 24th and the meeting of August 22nd?

A No, but these representatives were -- other representatives of the Sheik. That is the only connection that I saw.

Q Well, may I call your attention to Page 107 -- 108 of Exhibit 7-A? That is the meeting of the 24th?

A Yes, 108?

Q Yes, sir.

Would you read that out loud please?

A The entire page, Mr. Brown?

Q Yes, if you will.

A Does it start up, "Okay"?

Q Yes.

A "Okay. We'll handle that tomorrow morning early.

"All right. (clear stroke) I am here for one purpose. The other gentlemen do things differently or do different things than I do..."

Q May I stop you there?

A Yes.

Q Who is speaking?

A Well, I have to look back because it is not on my --

Q You want to make sure?

A Yes.

Tha is Michael Wald who is Michael Cohen.

Q All right. And he said the other gentlemen do things differently.

Were you able to identify the other gentlemen who did things differently in the sense of the statement there?

A Yes, I took it he was referring to Mr. Weinberg and Tony DeVito.

Q And then he says, "....do different things than I do..."

Did you get an understanding of that?

A Well, I know that -- what he was talking about -- I thought he meant that he was here because of this hotel and that they were involved with something different. That is what I took it to mean.

Q Now, the rest of that, would you read the rest of that, please?

A Yes.

"...differently. Different things than I do..."

Q Ys.

A "Titles and press. The individual I work for, I have a title, all right. Just expedite things..."

Q Would you stop right there.

Now,this is Mr. Wald and he is talking about titles and press. Had you heard that before?

A Well, important people -- actually the word titles, do you mean?

Q Yes.

A No, I hadn't heard the word titles raised

before.

Q And then he says, "I am titled" is that right?

A Yes, he says he is titled.

Q Now, did he as anytime tell you that he was impressive to the Sheik because he had a title or any sense of that?

A No. He never talked about that.

Q So when he talks about "titles and press" he says "I am titled" is that right?

A Yes.

Q Now, would you go on?

A Yes.

"I am not going to be involved all right in this hotel-motel -- motel, nor will I be involved any more at this point with uh uh coal. These are things that I realy don't have no background in and no interest in..."

Q All right, now, he had talked to you about something that was a cross between a hotel and motel, is that correct?

A Yes.

Q Did he ever identify or describe what a thing is that is a cross between a hotel and a motel --

A At one point he says something in the middle.

Q What was that? Do you know what that is?

A No, I don't know what is in the middle between a hotel and a motel. I took it to mean some kind of a complex. He talked about, you know, having this excursion to Philadelphia.

Q Were you able to pin him down as to what he was talking about?

A I couldn't pin him down on anything through this whole conversation.

Q Isn't it a fact that in the early part of the conversation, the pages before 108 in 7-A he talks to you about the hotel-motel, and the amount of money. What was the amount of money he said he would invest?

A He said in the hotel?

Q The hotel-motel?

A Yes, he said 34.6 million. And then he added --

Q Yes.

A He added another million to on for I took it tha he meant completion over a couple of weeks before the ground breaking.

Q Were you ever able to pin that down?

A No. I couldn't pin anything down with him.

Q Now he mentioned coal, is that right?

A Yes, he mentioned coal.

Q And he mentioned something about the length of

time that he had to get the coal out of the ground? Is that right?

A Yes.

Q Do you remember what that was?

A Yes. I came back then and asked him how much time was his leases. And he came off with an answer 8.6 years, and there is days included --

Q Did that make any sense to you?

A I never heard of a lease 8.6 years. I mean if he said eight and a half years it would have sounded right.

But 8.6 years, I never heard of anybody talking years and using a decimal point

Q Did you press him for details as to where this coal was?

A Yes, I pressed him. I think this is part of his answer here. He is not involved with that. And from watching this monitor I realized what happened there.

Q What happened there that you observed?

A Well, I observed that these questions that he couldn't answer that I was hitting him with, he was probably instructed to get out of that area because I am going to find out that he is not a representative of the Arab.

Q How was he instructed from what you observed?

A Well, he changed the subject at this point in time.

I'm not longer interested in that one. I am a financial man. And everything he talks about he talks about a price on it.

Q How was he instructed, if you know, to get off that topic and switch to another?

A Well, he just changes. He shifts gears here in mid stream.

MR. PUCCIO: Your Honor, I object to this question unless it was expressed as to what was in the Congressman's mind at the time.

THE COURT: I think that was what the question was directed to.

MR. BROWN: Yes, it was your Honor, yes, to his state of mind as to why he thinks he changed topics.

Q Djd you observe anything or did you hear anything in that meeting that seemed to cue him up to change is mind?

A Well, he was all over the lot. It seemed that everytime I asked him a question, give me some sound information -- when I talked about who is your builder, who is your architect, how many square feet do you need on

the waterfront --

Q And what would happen then?

A He would go from that area right into some other area.

Q I'm not going to ask you if you heard any telephone calls?

A I heard all kinds of telephone calls.

Q Did you relate that to anything that happened there?

A Well, I didn't then. I thought he was that important. But I do now.

Q What do you relate it to now?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q At that time you thought the telephone calls were related to his importance? Is that right?

A Yes.

Q Now, in the course of the dialogue or the conversation with Mr. Wald, isn't it a fact that he brought up naturalization a number of times?

A Yes,he did.

Q Can you give the jury an impression from your own recollection as to how many times he brought up naturalization?

A I would have to say seven or eight times he brought it up.

Q Now, each time he brought up naturalization can you tell us what then happened?

A Well, he would bring it up to me.

And he would try to pin me to naturalization, something along the line of immigration. And I wouldn't let him pin me. I kept sidestepping that question. I kept asking for reasons. Give me reasons.

Q What would happen then if you can recollect?

A Then he would start talking about hotels and reasons that he was talking about.

Q And then what would happen?

A Well, I would just go along with whatever he would say. But I never saw no reasons.

Q Did there ever come a time when you flatly and unequivocally said that you intended or would vote for a particular bill for the Sheik?

A Yes. At the end I told him that I would not introduce -- I was not interested in any bills. I would not introduce it. I would not go on any missions to no return --

Q Would you go to Page 171 in 7-A please.

At Page 171 -- are you at Page 171?

A Yes.

Q Where it starts: "....I am not coming in here..."?

A Yes.

Q Was this really your last statement to him concerning the bill or anything connection with your Congressional office?

A That was my last statement to him.

Q Well, would you read to the jury what you told him and that is written there unchangably? Read it to the jury, what you said to him, please?

(Continued on next page.)

A I say to Mr. Cohen:

"I am not coming in here looking to -- looking to put any shake on anybody. I am not uh -- I am interested in the city. Give me some reasons. I am not a fool. I am not going to run out, you know, say, well, here is X amount of bucks go out and introduce this bill. I am not interested in the Nevin Bill that is going to get me into F and Shanghai the next day..."

Q Does your language change when you are drunk, Congressman Meyers?

A Yes. I don't use that kind of English, Mr. Brown.

Q Well, what does that mean, what you said to him directly here? What did that mean?

A That means that all through this conversation that lasted all of an hour and a half, or whatever it was, he tries to pin me down on immigration matters. And I won't let him pin me down. I don't know who I am dealing with here. I went there to talk about a hotel.

This is my final answer to him on immigration matters before this conversation ends.

Does that embody your intention or lack of intention with respect to violating your congressional oath?

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(transcript of video tape Exhibit 8, 1/25/80 meeting)

Exhibit 9A 1444 16/D9
(transcript of audio tape Exhibit 9, 1/29/80 telephone conversation)

Exhibit 10A 1451 16/E2
(transcript of audio tape Exhibit 10, 1/31/80 telephone conversation)

Testimony of Edgar Best 1493 17/A8

Testimony of Michael Myers 1545 17/E4

Exhibit T-1 . . . . . 1857 20/G6
(excerpt of 6/16/79 telephone conversation)

Exhibit T-2 . . . . . 1857 20/G6
(excerpt of 6/20/79 telephone conversation)

Exhibit T-3 . . . . . 1857 20/G6
(excerpt of 6/28/79 telephone conversation)

Exhibit T-4 . . . . . 1857 20/G6
(excerpt of 7/29/79 telephone conversation)

Exhibit T-6 . . . . . 1857 20/G6
(excerpt of 9/2/79 telephone conversation)

Exhibit T-7 . . . . . 1857 20/G6
(excerpt of 9/5/79 telephone conversation)

Exhibit T-8 . . . . . 1857 20/G6
(excerpt of 9/12/79 meeting)

Exhibit T-9 . . . . . 1857 20/G6
(excerpt of 9/14/79 telephone conversation)

Exhibit T-10 . . . . . 1857 20/G6
(excerpt of 9/18/79 telephone conversation)

Testimony of Joseph DiLorenzo 1886 21/B11

Testimony of Debra Procacci 1943 21/F12

Testimony of Michael Duffy 1949 21/G4

Testimony of Robert Green 1980 22/B11

Testimony of Bruce Brady 1993 22/C10

Testimony of John McCarthy 2019 22/E8

Testimony of Mark Weiss 2068 23/B5

Testimony of Donald Ritenour 2120 23/F1

Testimony of J. Gary Boutwell 2145 23/G12

Testimony of John Good 2151 24/A8

Testimony of Stanley Fortner 2220 24/F7

Testimony of Martin Houlihan 2236 24/G9

Closing Argument of Counsel for the Government 2279 25/C14

Closing Argument of Counsel for Criden 2334 25/G13

Closing Argument of Counsel for Johanson 2379 26/D6

Closing Argument of Counsel for Myers 2426 26/G11

Closing Argument of Counsel for Errichetti 2446 27/B7

Rebuttal Argument of Counsel for the Government 2519 27/G10

Court's Instructions to the Jury 2542 28/B9

Jury Verdict 2642 29/C1

A That embodies my intention that I had no intentions of introducing any bills.

Q Now, you said you gave an envelope to Mr. Errichetti?

A Yes.

Q At the time you gave it to him did you know what was in it?

A No, I didn't know what was in it. I took it to be $100,000 in it. That is what was told to me.

Q Did you ever see Mr. Errichetti open that envelope?

A No. When I handed it to him he just took it and then I got on the elevator. The doors closed. And he disappeared from my sight.

Q Tell this jury, you had been in a room talking to Mr. Weinberg, and Mr. Errichetti and Mr. Amoroso just prior to leaving with the envelope? Is that right?

A Yes.

Q With respect to that room where you were all talking when you received that envelope, will you tell us where, with respect to that room, physically, you gave the envelope to Mr. Errichetti?

A I gave the envelope and we went right -- as we left the room and walked out the door, as soon as

I got on the other side of that doorway I handed him the envelope. And we continued walking out the corridor to the elevator which was maybe 40 or 50 feet up the hall. We both stood there. I hit the down button. The elevator doors opened. I stepped in. He stood there. He remained there. The doors closed. I left and I didn't see Mr. Errichetti no more.

Q And that is the end of your knowledge with respect to Mayor Errichtti?

A That was the last time I saw Mr. Errichetti before coming in this courtroom.

Q And you cant't tell us whether or not you saw him with any money, whether he received any money, or what happened to that envelope? Is that correct?

A No, the only thing I know about the envelope is when it got back to Philadelphia and I went to Mr. Criden's office --

Q And was Mayor Errichetti there?

A No, he was not.

Q Did you ever talk to him by telephone? You said you hadn't seen him, but did you communicate with him by telephone?

A I had no communication whatsever with Mr. Errichetti.

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Q Was there ever an occasion when Mayor Errichetti told you to act in any way that would violate your congressional office?

A No. He told me that I would never have to do anything. This was all a joke, play acting, and come on as strong as I could. And he made it very very clear that I wouldn't have to do anything. And that is the reason I agreed to go up there.

MR. BROWN: Thank you. No further questions.

THE COURT: Mr. Puccio? Any questions?

MR. PUCCIO: Yes, sir.

May I have one moment, your Honor?

THE COURT: Yes.

CROSS EXAMINATION

BY MR. PUCCIO:

Q Congressman Meyers, when you walked into the courtroom this morning, did you know that your lawyer was going to call you to the witness stand?

A Did I know it?

MR. CACHERIS: Objection.

Q Yes.

THE COURT: Overruled.

A Yes, I knew it.

Q You were expecting to be asked questions that

you would have to answer before this jury? Is that correct, Congressman Meyers?

A Yes.

MR. CACHERIS: Your Honor, there is nothing wrong with that. I object to that.

Of course he has to know he's going on the stand beforehand.

THE COURT: Nobody said there was anything wrong with it.

Overruled.

Q Now, you have viewed a number of videotapes before your testimony? Is that correct?

A I watched these tapes I would say totally about four, maybe five times.

Q Was that before or after this trial began?

A That was mainly before the trial began when your office first supplied us with them.

By the way, I didn't see that last tape. You never supplied that to us.

Q Which tape was that, Mr. Congressman?

A The very last meeting involving Mr. Musto.

Q All right, I see. What date did that meeting take place on?

A I believe it was January 27th.

Q Now, prior to your testifying, you had reviewed these tapes and you had discussed this matter with your attorney, is that right?

A Yes.

Q When you walked on the stand this morning, you were prepared to answer any questions that your attorney would ask you, is that correct?

A You didn't tell me what questions he was going to ask me or anything like that.

Q He didn't give you any idea or what he would say to you during your direct examination?

A No. The only thing he told me was to tell about your family background when you start out.

Q And the rest of it, you had no idea what was coming, is that right?

A Well, certain key areas here I pointed out to him -- I would have to say I pointed out to him that -- when I first knew that Mr. Wald, when he was talking about this hotel of 34.6 Million dollars, well, he was all over the lot.

First he was going to Center City. Then he was going to South Phillie. That is when I first realized that Mr. Wald didn't know what he was talking about.

Q And you discussed that with your attorney,

is that right?

A Oh, yes, I put it to him.

Q And you asked your attorney to ask those questions on the witness stand?

MR. CACHERIS: I think this is objectionable. I think it is entirely proper for an attorney to talk with his client. Mr. PUccio is trying to make this look sinister.

THE COURT: Overruled.

MR. CACHERIS: I think the jury should be told, your Honor.

THE COURT: I assume the jury assumes and I will tell them that lawyers and clients talk together. A lawyer would probably be guilty of malpractice if he let his client get on the stand without discussing his testimony in advance.

But that doesn't mean that the area is not a proper area of inquiry on cross examination.

The objection is overruled.

Q Now, have you ever talked to Mr. Brown, Mr. Ben-Veniste, or Mr. Duffy about your testimony, Congressman Meyers?

A Not any specific questions. We talked generally about this whole case.

We had at lunch. We had it right in this courtroom. But I have not sat down with any of the other attorneys and went over this transcript and told them or they told me any specific things. No, they had not.

Q I take it then that you had no idea that those three gentlemen would also ask you questions today?

A I did not learn that until today.

Q Until I asked you the questions that you sat there on the witness stand, is that right?

A Well, I went through this whole tape. I was prepared to answer anything that involves me in this transcript.

Q And you didn't know that those three gentlemen would ask you any questions until you heard those questions on this witness stand? Is that right, Congressman?

A That is correct, Mr. Puccio.

Q Now, Congressman Meyers, did you tell the absolute truth to this Court and to the jury during your testimony?

A I have told the absolute truth during this entire trial to this jury ahd to the other people in this courtroom from the first minute that I took this witness stand.

And I intend to tell the truth all through your questioning too.

Q You didn't lie to this jury once. Is that correct?

A That is correct.

I didn't lie to this jury. And I never intended to lie to anybody.

MR. CACHERIS: Your Honor, he's arguing with the witness.

THE COURT: Is that an objection to the next question or the last?

It has already been answered.

(Continued next page.)

Q Congressman Myers, when you walked into the Travel Lodge Motel room on August 22, 1979, and met with Mr. DeVito and Mr. Weinberg, did you know that video tape cameras were watching what was going on and microfilms were recording what you said?

A No, I did not.

Q When you walked into the Barkley Hotel subsequently on January 24, 1980, did you know that video tape cameras were recording that scene?

A No, sir.

Q How many times did you tell an intentional falsehood? How many times did you lie to Mr. DeVito and Mr. Weinberg during the meeting on August 22, 1979?

MR. CACHERIS: Objection.

THE COURT: Overruled.

A I don't know how many times I couldn't give you a number. In the meeting of the 22nd, I can go through it when Angelo Errichetti gave me my cue to talk about myself in that particular statement I told three or four lies in there about judiciary committees and appropriations. I started off telling lies the way I was instructed. You were instructed to lie during that meeting, is that correct?

A Yes.

Q Within the first few minutes of that meeting you told three or four lies?

A Yes.

Q The meeting lasted for about 35 minutes?

A Yes.

Q How many lies did you tell during that meeting, Congressman Myers?

A Mr. Puccio, I would be happy to go through it with you and tell you what was a lie.

I could not guess. I came on strong and --

Q In almost everything you said it was not the truth?

A Almost everything I said there is not the truth, that is correct.

Q Why did you go up to New York City on that day, Mr.Myers?

A I went up there for two reasons. One reason was to try to help my friend Mr. Johanson out with his transaction in Atlantic City. The other reason was to get $25,000.

Q Did you lie to get that money, Congressman Myers?

A I told people that I would introduce legislation when I knew I didn't have to and never intended to. Yes, I lied.

Q You lied to get that money, is that correct?

MR. BEN-VENISTE: Objection to lie. Weinberg told him to play act. It's a question whether this is a lie or not under the circumstances.

It's argumentative.

THE COURT: Is that the ground, argumentative?

MR. BEN-VENISTE: Repetitious.

THE COURT: Sustained on the latter ground.

Q When for the first time did you hear that there was a Sheik?

A The first time I heard about the Sheik was the day I met with Mr. Johanson at his summer place in Longport.

Q He told you that the Sheik had a lot of money, is that correct?

A Yes, and about the hotel deal.

Q He told you that the Sheik had an immigration problem, is that correct?

A Yes.

That is the first time I heard about immigration.

Q And he told you that the Sheik needed a Untied States Congressman to solve his immigration problem, is that correct?

A No, he didn't say anything about a United States Congressman.

He said that the Sheik was willing to pay him and Mr. Criden a hundred thousand dollars to meet -- if they introduced the Sheik to important people.

Q He told you that one of these important people would be you, is that correct?

A If I agreed to meet.

Q You agreed to meet, is that correct?

A Yes, after he explained to me a little more about the money.

Q He explained to you that you would receive $25,000, is that correct?

A Yes, he did.

Q Did he tell you you would have to lie to make any intentional false statements to the Sheik?

A No, he told me that I would get further instructions from Mayor Errichetti and Mel Weinberg.

Q He told you you would have to --

A He told me to make an impression on the Sheik. He liked tough guys.

Q Did he tell you you would have to say something to the Sheik that wasn't true?

A No, he didn't have all the details. He didn't have all the details what actually I had to do.

He told me there would be a meeting set up

between Mayor Errichetti and Mel Weinberg and myself prior to the meeting with the Sheik.

Q But he told you you would have to play act?

A Yes, he told me I would have to play act.

Q What did you take that to mean?

A Act like a tough guy in this point in time. He didn't know all the details.

Q Did you take it to mean you would have to say something that wasn't true to the Sheik in order to get the money?

A At this point in time, no. Mr. Johanson didn't tell me that.

Q You thought you would have to play act like a tough guy and you would get $25,000?

A Yes.

Q What did he tell you you had to be tough about?

A Act like a tough guy.

Q What did you take that to mean?

A To me,it's somebody who talks tough, acts like a tough tumble-type character, that's what it meant to me.

Q Did you believe at that time that you would not have to do anything for the money?

A I asked that very question to Mr. Johanson. I said it sounds like a fairy tale. A hundred thousand

dollars, he told me it was peanuts to the rich Arab.

Q Have you ever received a proposition like this before from Mr. Johanson or anyone else?

A No, I never heard of such a proposition.

Q In any event, you agreed to attend this meeting, is that correct?

A Well, I knew Mr. Johanson to be an honorable person and good laywer. When he told me about the hotel deal and he was going to receive a couple of million dollars, I thought it was true. That is what convinced me.

Q The first time you heard about the meeting from Mr. Johanson you didn't think there was anything improper in this, is that correct?

A That is correct.

Q Now, when is the next conversation you had concerning this matter?

A The next conversation was the day -- the 21st of August when Mr. Johanson stopped at my house down in Longport and told me that the meeting was set up for the following day, the 22nd.

Q During that intervening period you had nothing, is that correct?

A That is correct.

Q Had you called or telephoned Mr. Johanson's

office earlier that day?

A Had I?

Q Yes.

A No, I don't recall calling, no.

Q Did Mr. Johanson appear at your house out of the blue that evening before the August 22nd meeting or had you expected him?

A I expected him at some point in time once the meeting was set up to stop at my house. I told him I would be down in Longport in the month of August because I was on vacation from Congress.

Q You had no problem attending up in New York to pick up $25,000 the next day?

A I was on vacation. As far as any other commitments I had none, only my night office.

Q If you had some appointments that day you wouldn't have gone?

A I had no appointments during the daytime during the whole month of August. I was on vacation, but I did attend office hours at night.

Q Did Councilman Johanson tell you on August 21st, when he came to your house that you would have to do something that you would have to promise something to the Sheik?

A No, he did not. He told me the next morning that I would meet with Mayor Errichetti and Mel Weinberg. I would be given my script at that point in time.

Q Your tough guy script?

A I didn't know.

Q Didn't you ask him?

A He didn't know what I was going to be told to say.

Q Both of you were in the dark at that time, is that fair to say?

A Well, not totally, because he had mentioned to me about immigration. They may want to talk about immigration.

Q You knew that the meeting was going to be about immigration, is that correct?

A I didn't know what the meeting was going to be or what they may want to talk about.

If they brought it up. I didn't know they were.

Q You didn't know they were going to bring it up.

A At that point in time he said they may bring it up.

Q You knew money was going to be passed, is that

correct?

A Yes, I knew about money.

Q You knew that money was going to be passed to you, is that correct?

A Yes.

Q That you were going to carry it out of the meeting, is that correct?

A Yes, I knew it.

Q Now, Congressman Myers, at this point you had not spoken to Mayor Errichetti about this matter, is that correct?

A That is correct.

Q Did you know Mayor Errichetti before this date?

A Yes.

Q How many occasions had you met with him prior to this date?

A Dealing with political matters concerning our area?

Q Any matters?

A I would say 15, maybe.

Q You felt it was sufficient at this point to deal through councilman Johanson and not speak to the Mayor directly about the trip to New York?

A All my faith was in Lou Johanson who I knew.

Q Did you ask Mr. Johanson why you would have to travel to New York and why it couldn't be done in Longport or Philadelphia or any place else?

A No.

Q That didn't make any difference, did it?

A I didn't know the reasons. I didn't ask that question.

Q Did you ask any questions?

A Only what was expected of me.

He told me nothing. I had to do absolutely nothing.

Q Except read the script?

A I was instructed by the Mayor and Mr. Weinberg then I would have to read the script.

Q Did you know on the day before that that script would contain a promise that you would introduce a private immigration bill before the house of representatives? Did you know that?

A No.

Q Did you know that that script would contain a promise by you that you would intervene with the United States Department of State?

A No, I didn't know I was never told about the

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State.

Q Did you expect a written script to be handed to you?

A No, I wasn't told a written script, just instructed on what I had to do and say.

Q You were prepared to do anything, isn't that right, Congressman Myers?

A No, I wasn't prepared to do anything. No, that is not right.

Q What were you not prepared to do?

A I wouldn't do anything that would violate my office. I made that clear from the very first minute. I reinforced that when I spoke to the Mayor. I told him that right up to getting to the room.

Q We didn't get there yet.

A I'm sorry.

Q You wouldn't do anything that would violate the law, is that correct?

A That is correct.

Q You wouldn't do anything that was dishonest in any way, is that correct?

A That is absolutely right, Mr. Puccio.

Q Now, on the next day you met with Mayor Errichetti, is that correct?

A The next day being the 22nd, that is correct.

Q He gave you the script, is that correct?

A That is correct.

Q Who else was present when he gave you the script?

A Standing 20 or 30 feet away was Lou Johanson, Howard Criden, Mr. Criden's son, and I believe another gentleman who was Mr. Errichetti's driver.

Q Were they part of the conversation that you had with Mayor Errichetti?

A No. They were not a part. We went off by ourselves.

Q Privately?

A They could see us. We were hardly 20 or 30 feet away, but against the wall at the Kennedy Airport in the terminal there.

Q At the Pam Am Terminal, is that correct?

A I believe it was Pan Am, yes.

Q You weren't concerned about this being a private conversation, is that correct?

A We were private. I took it to be a private conversation.

Q You weren't concerned that the others were excluded from the conversation?

A No, because I was told I was going to meet with the Mayor and he was going to tell me about what I should say.

Q You assumed everyone else there knew what was going on, is that correct?

A No, I didn't assume anything. That is the first time I ever met Mr. Criden's son. I didn't know what they thought or assumed.

Q What did the Mayor say to you in this private conversation?

A He said to me there was a change in plans. That Mr. Weinberg couldn't make the meeting and he would give me my instructions.

He went on to tell me,you've got to come on strong. You have to talk like a tough guy. It's all play acting, tell them whatever they want to hear. The Sheik doesn't understand English.

I said suppose it's an area I don't understand. He said, "Talk about the Phillys, anything. I will be in the room with you. Mel will be in the room with you. If you have any problems, we will back you up and speak up if there is anything you got a problem with."

Q Did he tell you anything else?

A Just to come on strong and he talked -- "Did

you ever see me on television, how positive I talk, aggressi
I am? Sure I've seen you on television a number of times.
Act like me, you are a former longshoreman, you know."

Q You didn't need a script for that?

A Well, I had an idea how a tough guy acts.

Q Tough guys say things like F'n?

A Yes.

(Continued on next page.)

Q What did he tell you to come on strong about?

A Anything they wanted to talk about.

Q What did you believe, as you stood there with Mayor Errichetti in the Pan Am Terminal that they wanted to talk about?

A He talked about investments, immigration matters, told me about the sheik being -- wanting to immigrate to this country, tell them whatever they want to hear.

They don't understand what you are saying, just talk about it.

I told him I didn't understand all the details and intrical parts of immigration matters. I don't serve on that committee. I never had any real dealings with that.

Q Would it be fair to say Mayor Errichetti told you that the purpose was you should give surety to the sheik that his immigration problems would be solved?

A I would say it is a fair statement, yes.

Q You said to Mayor Errichetti, I'll tell the sheik or his representatives, whoever was there, I am prepared to introduce a private immigration bill, is that correct?

A I don't think that came up at that point in time, no.

Q You had discussed the introduction of a

private immigration bill before you walked into the room before the cameras?

A He said he may talk about it. He didn't actually tell me to tell him you would introduce a private bill. I am the one that got in the private bill. He talked about immigration problems. He didn't talk about private bills.

Q Didn't he tell you that in order for the money to be paid you would have to say that you would introduce a private immigration bill or in some way make assurance that the sheik would get into the country?

A He didn't talk about a private immigration bill, he talked about immigration matters that the sheik was interested in coming to America to possibly live. I told him I didn't understand the ramifications or the problems that could arise. He said don't worry about it, tell him whatever you want to tell him, he doesn't understand English.

He doesn't know if you are telling him a fact.

Q He told you to lie to the sheik?

A He told me to talk about the Phillies.

Q Did he tell you to lie to the sheik?

A He didn't [illegible] to lie to the sheik, no.

Q Was it understood that everything you would say during the meeting would be the truth, Mr. Meyers?

A It was understood that I was to come on strong and tell these people whatever they wanted to hear. I didn't know what they wanted to hear other than they may talk about immigration matters.

He didn't tell me a specific bill. No, he did not tell me that.

Q If they would have talked about immigration matters, you would tell them what they wanted to hear about immigration matters, is that correct?

A Yes.

I started right off explaining that.

Q You start right off and promise to introduce a private immigration bill?

A I talk about a private bill. I start, if you read the way that starts off, I go into talking about the committee.

Q You are jumping ahead.

Correct me if I am wrong, in that meeting, you promised to introduce a private immigration bill, is that correct?

A Yes.

Q Thank you.

That was a false statement of your intentions, is that correct?

A That is correct.

Q And that was a false statement of your intentions to obtain money, is that correct?

A A false statement of my intentions? I never intended to do anything as far as introduce any bills. I was told I never had to do that.

Q When you said that you would introduce a private immigration bill, you said that, you made that false statement in order to obtain money from the sheik, is that correct?

A I made a false statement.

Q In order to obtain money from the sheik's representative, is that correct?

A Yes.

Q Congressman Meyers, you were in the House of Representatives in Pennsylvania, is that correct?

A Yes, sir.

Q During the period of time that you were in the House of Representatives, you had occasion to vote on bills concerning criminal matters, is that correct?

A Criminal matters?

Q Yes.

A I don't recall any criminal--

MR. CACHERIS: Objection, relevance.

THE COURT: Overruled.

Q Are you saying that you never voted on a bill concerning criminal matters?

A You're going to have to explain what bill you are talking about. I didn't know we voted on criminal matters.

Q Do you know what a penal code is?

A Yes. You're talking about laws that we voted on that govern certain things?

A Yes.

Q I assume while you are in the legislation you voted on laws, is that correct?

A Yes. I didn't know that was criminal matters. I just learned that today from you, Mr. Puccio.

Q Well --

MR. BEN-VENISTE: I object and ask for a Side Bar if Mr. Puccio is going to pursue some other legislation in some other code other than the one we are dealing with here.

THE COURT: Is that your intention?

MR. PUCCIO: I have some questions about a certain statute, criminal statute.

MR. DUFFY: I object. I recognize the book, it is --

THE COURT: Sustained.

Q Congressman Meyers, did you believe it was dishonest to obtain money by false pretenses?

A I --

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

A No, I didn't think this was dishonest.

Q Now, after that meeting with Mr. Errichetti at the Pan American Terminal, what did you do?

A After Mr. Errichetti left, I left shortly thereafter, a few minutes behind him.

I went with Mr. Johansen out to my car which was on the parking lot. We drove over to the hotel, parked the car outside, walked in, at which point in time I met Mayor Errichetti standing in front of the elevators in the lobby.

Q He told you that something changed?

A Yes.

Q He told you there wasn't going to be 100,000 dollars, there was going to be 50,000, is that correct?

A No, sir, that is not correct.

Q Didn't he tell you that the amount had changed

in some way?

A He never mentioned the amount to me at no time.

Q Well, he told you something changed about the sheik's plans, is that correct?

A That is correct.

Q Did he tell you the sheik was prepared to go to South America, is that correct?

A No, he told me the sheik would not be at the meeting. That he was tied up in other deals and could not be present for this meeting, but one of his representatives would be there.

And of course he would still be there and Mr. Weinberg would be in the room.

Q Didn't he tell you that the sheik was prepared to go to South America if he had to leave his native land?

A He told me at this point in time, when I realized the sheik would not be present, I wanted to know about more of what I'm going to say. Who is going to be there in the room.

Obviously, I'm not going to talk about the Phillies to someone who understands English.

Q Back up a moment. You walked into the Travellodge Motel and as you said the Mayor is standing

there alone and you walk over to him and engage him in conversation?

A Yes.

Q He is informing you of what has happened in the interim since you saw him last, is that correct?

A Yes.

Q You're asking questions because now you find out that the sheik is not going to be there and you need more details as to what is going to happen, is that correct?

A Yes.

Q You are standing in the lobby?

A Right in front of the elevators, yes.

Q How long does this conversationtake?

A I would say just a couple of minutes.

Q What questions do you ask?

A I want to know who was going to be in the room if the sheik is not present. He told me one of his representatives would be there.

So I said, "What is he going to ask me? What do I have to say?"

He said, "Go on with the same stuff I told you, don't worry about anything."

I was concerned about the immigration stuff.

What about immigration, does he know all the procedures on immigration matter-.

He said tell him whatever -- you go along with it.

Q Whether it is true or not?

A He didn't put it that way. Tell him go along with whatever he asked.

Q You took it, go along and say thing whether they were true or not?

A Yes.

Q At this point you knew that the immigration matter was of no importance, is that correct?

A Just at that point I learned that. He tells me Mel Weinberg told him that I would never have to do anything. It couldn't be a possibility anything would arise dealing with the sheik coming to America because if he ever had to leave his homeland that arragements were already made in South America for him to go there.

Q You knew at that point that you wouldn't have to promise to introduce a private immigrationbill, is that correct?

A I know I would never have to introduce one.

Q You knew you never had to promise to introduce one?

A No, I didn't know -- I didn't know what the representative was going to ask.

Q If the sheik were going to South America, there would be no need for the representative to ask you anything about private immigration bills is that correct?

A I didn't know that until I got to the room. There is no talk of that.

Q Hadn't Mayor Errichetti told you before you went to the room that the sheik was going to South America?

A No.

Q He told you before you went to the room?

A Yes, I'm sorry. Yes.

I thought you meant outside the elevator.

Q You knew at least insofar as immigration matters were concerned that was out of the picture, is that correct?

A Yes, that was out of the picture.

Q The first thing you did when you walked in the room is say you would introduce a private immigration bill?

A When I first go in the room, I say hello, they say hello. The Mayor talks about the six-member delegation and I go on to a statement, and give a brief summary of my background.

I go on to tell them how important I am on all these important committees.

Q All untrue?

A Not totally untrue. There are 25 members of the Pennsylvania delegation. A lot of untruths throughout the first statement.

Q That first big paragraph on page 2?

A Yes.

Q Now, Mr. De Vito started off with talking about the sheik's immigration problems, is that correct?

A (No response.)

Q Is that right?

A I want to refer to the page if you tell me where we are.

Q What is your best recollection, does he start off talking about the sheik's immigration problem?

MR. CACHERIS: I think he ought to refer to the page.

MR. PUCCIO: I have no objection.

A Talking about 5a, I make a long statement.

Q You told us about that, after that Mr. DeVito talks about Somosa and how the sheik is in the same position?

A Yes.

Q Right after that you say, well, since the

sheik is going to South America, you have no immigration problems, is that what you say?

A No.

Q Why don't you say that?

A Because at this point in time the only one I know in the room knows about the operation is myself, Mayore Errichetti, and Mel Weinberg.

I don't know anything about Mr. De Vito other than he is a representative of the sheik.

Q And he is Weinberg's boss, right?

A I didn't know who was the boss at that time. All I knew was Weinberg and the mayor was a part of this overall $100,000 that was going to change hands.

Q Since Weinberg said nothing, as you point out, and De Vito was running the meeting, you had to assume Weinberg worked for DeVito, is that correct?

A I didn't assume that. You can look at it either way.

Q You assumed that DeVito didn't know that the shake had plans arranged to go to South America if he had a problem in his Native land?

A I figured he would bring it up.

Q You assumed he didn't know about it, is that correct?

A It was never brought up.

Q Did you assume one way or the other?

A I didn't assume anything. I didn't bring it up. He didn't.

Q Now, -- may I have a moment, your Honor?

(Pause.)

Now, you say during this meeting, Congressman Meyers, that you are going to use your influence or words to taht effect, is that correct?

A Yes.

Q And do you know how many times you said that during the meeting?

A During this first meeting?

Q Yes.

A No, I never counted.

Q And you tell us now that wasn't a true statement of your intentions, is that correct?

A That is correct.

(Continued on following page.)

CONTINUED CROSS EXAMINATION

BY MR. PUCCIO:

Q And you talked about intervening with the Department of State on behalf of the sheik, is that correct?

A I talk about that after Mr. DeVito brings it up, yes.

Q You wouldn't have brought that up, is that correct?

A I would bring - - No, when Mr. DeVito brings up something about the Department of State, that was the first time throughout any of this that I ever heard the Department of State mentioned.

Q And you respond that you're willing to do something with the Department of State because of a connection there, is that correct?

A That's what I say, yes.

Q And are you telling us now that that was all false, you didn't have any connection with the Department of State?

A I didn't then and I never did.

Q As a U.S. Congressman, did you have occasion to work on any immigration problems for people in your district?

A No, I didn't, personally.

Q Well, the members of your staff, did they ever work on immigration problems for people in your district?

A Yes. People would come in my office.

Q About how often does that happen?

A In my o-fice?

Q Yes.

A I would say maybe a couple of times a month, with things dealing with immigration in my office.

I have a Spanish speaking community where immigrants have problems. I have Italian community where people are coming in from Italy.

Q Would it be fair to say that people of your staff to people in the Immigration Service frequently?

A No, I don't think that's a fair statement.

Q Well, in connection with these immigration problems that your constituents have, people of your staff contact immigration, is that correct?

A Well, we contact them in the Philadelphia office, yes, on occasion, but I wouldn't say it is a fair statement that they regularly deal with them. I per personally have never dealt with them.

Q If it were necessary for you to do so, in connection with a matter, you would contact the Department

of State for a constituent, wouldn't you?

A MR. CACHERIS: Objection.

THE COURT: Read the question.

(Question read)

THE COURT: Sustained as to form.

Q Well, there wouldn't be anything wrong in a Congressman contacting the Department of State on a legitimate problem, isn't that correct?

A I don't see anything wrong with it. I wouldn't - - I wouldn't contact a local Immigration Service in Philadelphia located in the William J. Green Federal Building where I have an office located.

Q Don't members of Congress contact Immigration and Department of State all the time in connection with matters that come before them?

MR. CACHERIS: Objection, Your Honor.

THE COURT: Sustained as to what others might do.

A I don't know what other members do. Whenever anybody in my office had an immigration matter - -

MR. CACHERIS: Your Honor - -

THE COURT: Mr. Meyers, I sustained the objection. You don't have to answer.

THE WITNESS: I'm sorry.

Q Well, your office contacts agencies of the Federal Government fairly regular on all sorts of problems for your constituents?

MR. CACHERIS: Objection, beyond the scope?

THE COURT: Overruled.

A Yes, if we have a constituent, for instance, a Vietnam veteran, who has a problem with the V.A., we will contact the Vetrans Administration of Philadelphia, and if it's a social security problem, we will contact the Social Security Bureau and what we do, I will explain the procedure if you would like me to.

Q Now, during this meeting, you talked about investments in Philadelphia, is that correct?

A Yes.

Q And you indicated that although you would help the sheik with his immigration problem anyway, it would be nice to have an investment in the Port of Philadelphia, to cover you, isn't that correct?

MR. CACHERIS: Objection to the form.

THE COURT: Overruled.

You may answer.

A I talked about investments in the Port of Philadelphia and throughout the City, with mortgages and all kinds of other posibilities that they were talking

about.

Q. Well, didn't you agree that such a course of action taken by the sheik, that is, investing in Philadelphia, would protect you?

A. Any investing in my district that I would have a part of would certainly make me look good with my constituents and I always consider investments in my district at all times.

Q. Didn't you indicate at this meeting that investments by the sheik in your district or in Philadelphia would protect you?

A. Yes, I said that.

Q. Now, was that a true statement when you made it?

A. It wouldn't protect me, it just would be beneficial to my district.

Q. So, insofar as you agreed or said that it would protect you, that was false, is that correct?

A. That's correct. I didn't have anything to be protected from.

Q. Why did you feel it necessary to tell that falsehood to Mr. DeVito and Mr. Weinberg?

A. Well, when I heard about the 400 million dollars, I didn't want it to go to any other city but my

own.

Q And therefore, you were legitimately seeking from this sheik investments in Philadelphia, is that correct?

A That's correct.

Q Now, you also talk in this meeting about labor problems, is that right?

A I think they bring it up initially.

Q And you talk about how the Port of Philadelphia was more advantageous than the Port of New York, is that correct?

A Yes, sir.

Q And you try to sell the sheik's representatives on investing in Philadelphia, is that correct?

A That's correct, yes.

Q And you even talk about the Port of Camden, is that correct?

A Yes, I talk about the Port of Camden when we say the Port of Philadelphia, that includes the Port of Camden.

Q And you suggest that an investment there would be beneficial, is that correct?

A Yes.

Q Now, by the way, you continually talk through

this meeting about having connections down ir Washington, is that right?

A Yes - -

MR. CACHERIS: I object. He used it several times, he answered questions during the meeting.

THE COURT: Overruled.

Q And you indicate that if someone from the middel east without a connection came to the United States and wanted a private immigration bill introduced, somebody would be crazy or insane to do it?

A Yes.

Q Because you wanted to indicate to Mr. DeVito that he came to the right person, is that right?

A I wanted to make myself sound important, that's correct.

Q Now, you also wanted to indicate that there were only certain ways that things could be done in Washington, is that correct?

A Certain ways, meaning that it took influence to introduce a bill.

Q Yes.

A Yes, I said that.

Q And you wanted to indicate that it took money to get things done down in Washington, is that

correct?

A. What are you referring to, the money statements, bullshit walks statement?

Q. Well, at the very least?

A. Well, I said that, yes.

Q. Was that a false statement?

A. It was a figure of speech that I use, that I heard many times. Anything that you get involved with costs money, and I use it loosely, but that's basically what I mean by it.

Q. Well, you said, if I can find the page, "I am going to tell you something real simple and short. Money talks in this business, and bullshit walks", which business were you referring to?

A. I'll have to go back and see what he says to me. I think I was referring to anything that he was talking about. Anything that Tony was talking about.

Q. I'm sorry. I didn't hear your answer.

A. I believe I was referring to anything that Tony DeVito was talking about.

Q. And what was he talking about?

A. He was talking about State Department, talking about immigration, talking about private bills.

Q. And that's the business in which money talks,

is that right?

A. I use, like I said earlier, Mr. Puccio, that statement covers everything and that's the way I used that statement.

Q. And then you said, "And it works the same way down in Washington," is that right?

A. Yes, I say that.

Q. And is that a true statement?

A. I have no knowledge of the working that way down there in Washington, no.

Q. And you say we have our own group that we use our influence, is that correct?

A. No, I don't - - I am a part of no group.

Q. Well, that's what you said, isn't that correct?

A. Well, it's not true. It's B.S. Strictly B.S.

Q. And you said it's a trading game down in Washington, is that correct?

A. Yes.

Q. And that, of course, is false, is that right?

A. That's false.

Q. You have never had occasion to have a

legislature in Washington to trade off your interests or the interests of your constituents against someone else's, is that right?

A No, I never did any trading.

Q And you said that the sheik could be 100 percent better with me in his corner, is that right?

A Yes, I said that.

Q And that was a lie, wasn't it?

A Yes.

Q Why was it a lie?

A Because I just meant it loosely, 100 percent better meant to me, that if you carry an umbrella, you won't get any rain on your head, but somebody may throw a bucket of water on your head.

Q Well, wouldn't the sheik be better with a United States Congressman in his corner?

A Well - -

MR. CACHERIS: Objection, Your Honor.

THE COURT: Overruled.

Q Wouldn't the sheik be better off with a United States Congressman in his corner?

A I would think if he had an immigration problem, he would be better off with a good immigration lawyer.

Q Why do you say that, Congressman Meyers?

A I would say that because these cases are very complicated, and each case, you know, is judged on its own merit and someone who knows immigration law would certainly be in a better position to advise someone than a lot of members of Congressman, meaning myself, I don't know anything about immigration.

Q But a Congressman could introduce a bill that can go beyond the law, isn't that correct?

MR. CACHERIS: Objection, Your Honor, beyond the law.

THE COURT: Overruled.

A Any member of Congress, there's 435 members of the House, 100 in the Senate on the Senate side can introduce a private bill not only on immigration matters, but a private bill on anything can be introduced.

Q Don't you think that someonw such as a sheik would be at least a little better off with a United States Congressman in his corner?

A No, I think he would be better with an immigration lawyer.

Q Now, you said - -

THE COURT: Mr. Puccio, if you can finish in 15 minutes; fine.

If you can't , find a good spot to stop for the day.

Q Now, Congressman Meyers, you said without someone in my position, you're in deep trouble.

Do you remember saying that?

A Yes.

Q People wouldn't even want to deal with you, is that right?

A That's what I said.

Q And that was a false statement, isn't that correct?

A Yes, that's correct. It was a false statement.

Q Now, you said I feel very comfortable here, that's the only reason I am here, is that right?

A Yes.

Q And why did you say you felt comfortable?

A I felt comfortable because Mayro Errichetti was there and Mel Weinberg was there who was 100 percent of this million dollar transaction we were going to relieve this sheik of.

Q DeVito knew what you meant when you said you were comfortable there?

A No, he didn't give me any indication whether

he knew what I meant or not.

Q Now, during this meeting, you offered certain concrete suggestions to help the sheik with his immigration problem.

Do you recall those?

A If you tell me what they are - -

Q Do you recall any concrete suggestions that you made?

MR. DUFFY: Objection as to form.

THE COURT: Overruled.

A I talked about some business investments in Philadelphia, concrete - -

Q Didn't you first say something about a veterinarian?

A Yes.

Q What did you say?

A I said if he had some specialities and Mr. DeVito said his own specialty would be money, I said that makes things easier.

Q You suggested if the sheik had some special occupation that would be helpful in assisting you in your efforts on his behalf, is that correct?

A If he had some special occupation, what I meant by that - -

Q Didn't you say that?

A Yes, I said that.

Q And was that true or false?

A Well, I had no way of answering that. I said it, but I did not know what the answer to that was.

Q Are you saying that you didn't know that it would be helpful for someone trying to immigrate to the U.S. to have a special occupation that was needed here?

Are you saying you didn't know that?

A No. I tried to explain that earlier, when you asked the next question. I had knew and I had heard that when private bills, in private bills, that sometimes private bills are approved by Congress when it deals with somebody who has some special talent, for instance, someone who was a scientist looking to get out of Russia and come to America, it was beneficial for us to allow this individual to come in that that type of private bill would be passed.

Q You felt it was necessary to offer this solution to the sheik, is that right?

A I brought it up as another after. I was trying to explain that I knew all about this immigration stuff.

Q That particular explanation or particular statement about a specialty was true, isn't that correct?

A If there was some real specialty, like I said, if he was a scientist and has some special scientific projects he was working on, you know, that would be a real consideration for Congress to make its decision upon.

Q You also indicated that the sheik might become a shipping expert, is that correct?

A Yes, promoting the port again.

Q You also indicated if the sheik opened a business, family members could be rotated in that business so they could have occupations to get them into the country, isn't that correct?

A That's what I said, yes.

Q You talked about, now, certain experts handling storage of cargo, is that correct?

A Yes.

Q That would be something that a sheik or a member of his family, would be the kind of specialty that one of them could have, is that right; to facilitate this entry into the United States?

A I said that, but I had no knowledge of specialty in storage of cargo.

Q If the sheik were going to South America,

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why did you feel it was necessary to bring up these different possible solutions?

A I thought Mr. DeVito was going to go back to the sheik and report to him exactly what took place in his conversation.

Q This would impress the sheik because the sheik was going to South America?

A No, I thought it was going to impress the sheik that I was an important person.

MR. PUCCIO: I don't have - - I don't think I can stay within your time frame and I think I will stop at this point.

THE COURT: So it would be a convenient spot to break for the night?

MR. PUCCIO: Yes.

THE COURT: We will recess.

During the overnight recess, don't discuss the case with yourselves or with anyone else.

We'll resume at 9:30. I would like to see counsel at sidebar. I will ask the people in the courtroom to remain in the courtroom until the jury has left.

(Continued on following page)

Pages 2882 to 2886, inclusive are omitted for the purpose of the sealing the record as per instructions of the Court.

I N D E X

WITNESS:	DIRECT	CROSS
MICHAEL MYERS	2702	2800

E X H I B I T S

(None)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 26, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

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* * *

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CROSS-EXAMINATION

BY MR. PUCCIO:

Q Congressman Myers, is it true that it was your idea to bring up the matter of introducing a private immigration bill at your meeting with DeVito and Weinberg and Mayor Errichetti on August 22, 1979?

A No. It is not true. I started off with my explanation of how powerful I was. I just covered that area.

But it wasn't my intent when I walked into that room to bring it up, no.

Q Let me ask you a question again:

Was it your idea, Congressman Myers, to bring up the introduction of a private immigration bill at that meeting on August 22nd?

A No.

It was not my idea.

Q You said those words, did you not? You proposed to introduce a private immigration bill?

A I promised to introduce a private immigration bill after I was asked to introduce one.

Q All right.

And who asked you?

Q Will you point that out to me in the exhibit? That is Exhibit 5A.

A I'll have to read through it to find it but he brings it up first.

Q Let me point out page 3 where you say a little down on the top, absolutely.

Where I could be of assistance in this type of matter, first of all, is private bills that can be introduced.

Do you see that on page 3?

A Page 3?

Q Yes, sir.

Do you see that?

A Yes. I say they can be introduced. I don't say that I am going to introduce one.

Q Can you repeat that?

A Yes.

I say absolutely, where I could be of assistance in this type of a matter, first of all, is private bills that can be introduced.

I don't say I will introduce one.

Q At no time do you say you will introduce one at any time in subsequent mettings or this meeting.

A I don't say so. When Mr. DeVito says to

me to inroduce a private bill I say um-hum.

Q At no time at this meeting or subsequent meetings do you say that you will introduce a private immigration bill, is that correct; yes or no?

A That's correct.

When they say it to me I agree. But I didn't bring it up.

Q Now, before you mention private bills on this page you just looked at I'll ask you to look at pages 1 and 2 of the transcript and see if anyone else mentions private bills, Congressman Myers.

A No. I don't see anyone else mentioning it.

Q So you are the first person to utter those words at this meeting; is that right, Congressman Myers?

A Yes.

In my opening statement I refer to immigration matters. There are private bills. Let me just read this and I'll give you the exact wording.

Q Surely.

But my question, while you are thinking it, if you can think about it, is you are the first person to utter the words "private bills" at this meeting; is that right?

A Yes. I bring private bills up in what I refer to in page 3 for the first time. In my opening statement I mention immigration matters. I don't say private bills there.

But on page 3 what I read before I say that can be introduced. Private business that can be introduced. I don't say that I am going to introduce one. Later on in this conversation Mr. DeVito brings up that what impresses me you will introduce bills and I say um hum.

But I don't offer to introduce any bills. But I say that can be introduced.

Q When you say um hum, you agreed to introduce private bills, is that right?

A I was instructed to go along with the play acting to answer anything he asked.

Q Now, did Mayor Errichetti -- excuse me. I assume Mayor Errichetti is the only one that ever instructed you to do anything; is that right?

A Yes.

Q And you followed his instructions, did you not?

A Yes, I did.

Q How about Mr. Criden, did he instruct you to

do anything?

A No, he did not.

Q Did Mr. Johanson ever instruct you to do anything?

A He instructed me to follow the mayor's instructions.

Q And of course you took councilman Johanson's instructions to follow the mayor's instructions, is that right?

A Yes, that's right.

Q Now, your conversations with Mayor Errichetti, did he instruct you to say I'll introduce a private bill at the meeting?

A No, he didn't say I am introducing a private bill. He talked about immigration matters.

Q The words "private bill" were never in your discussion with Mayor Errichetti prior to the August 22nd meeting in the hotel room, is that correct?

A No. He talked about there will be-- they want to know some information about immigration and I say I don't know that.

Q Before we go to that, I'll allow you -- the court will allow you to say anything you want. But before you complete that, in your discussions with

Mayor Errichetti, prior to walking into this room were the words "private bill" ever uttered?

A No. I don't recall "private bill." The first private bill is when I mentioned private bill here, the first time.

Q So it would be fair to say that at least that much was your idea?

A Yes. I said that a private bill can be introduced. I never said I was going to introduce it. That's a process that can be done.

Q I see.

And even when you say umhum, you didn't take that to mean that you would agree to introduce a bill, is that right?

A I would have said following my script, um hum, to anything Mr. DeVito asked.

Q No matter what he said to you you would have said um hum, I am willing to do it?

A I would have said it because it was all played out.

Q And you were afraid unless you didn't say yes or um hum he would not give you the money?

A No. I thought he was going to go back to the sheik to talk to him to tell him how important

I was.

Q You were not concerned that he was not going to give you the money, is that right?

A I was up there for two reasons.

Q Can you answer that question?

A Would you repeat it?

Q You were not concerned that he was not going to give you the money, is that right?

You didn't worry about that?

A I went there to get some money for doing nothing. Like I said.

Q When you were at the meeting you were not concerned he would at one point say, goodbye, Mr. Congressman, I am not giving you a dime? You were not concerned about that, were you?

A No, I was not concerned about that.

Q And you really didn't have to say anything because you were going to get the money no matter what happened, is that right, Congresman Myers?

A I didn't know.

I was told to come on strong. I went there to meet a sheik. The sheik didn't show up. His representative showed up. I was told to come on strong and play act and that is exactly what I did.

Q So there was some uncertainty in your mind during this meeting as to whether or not Mr. DeVito was going to turn over that money, isn't that right?

A Some uncertainties?

Q Yes.

A No. I was told by the mayor that Mel was a part of it.

I didn't see any uncertainties. I thought Mel was going to convince his associates that we have a strong guy here, we have a stand-up guy.

Q You really didn't have to say anything to get the money?

A Well, I didn't have to say anything to --

MR. CACHERIS: Objection, your Honor. Argumentative.

THE COURT: Sustained.

Q In any event, Congressman, whenever you said, first of all -- right after you said absolutely, where I can be of assistance in this matter, first of all, is private bills that can be introduced, and as you say you were not talking about actually introducing one yourself, and then you say this, "Now, when you are coming from a third world nation and you have no political support in this country, unless somebody is insane, you don't

need, um, you would not introduce a bill to protect your interest if you had to go into exile somewhere." You say that, is that right?

A Yes.

Q And you meant what you said; is that right?

A This is strictly -- you know I am expanding upon that he said from a middle eastern country somewhere and that he is an Arab. It is just talking big here.

Q So what you said was not true, is that correct?

A It was B.S. I was boasting here. I was trying to make myself sound important.

Q And you said somebody would be insane to introduce a private immigration bill, isn't that correct?

A That's what I said.

Q And that was true, isn't that right?

A Yes, that's right.

Somebody would be insane.

Q So that was not really play acting, was it?

A I knew I was never going to introduce a bill, never intended to and I was told I didn't have to.

Q It was not really play acting, was it?

A It was play acting on my part, I can assure you.

Q So when vyou say -- strike that and let me go on.

Now, there came a time during this meeting -- by the way, let me just, if I may, go back a moment.

You said yesterday in one of your conversations with Councilman Johanson, and I believe it was at his residence, he told you that other congressmen and a senator had met the sheik, isn't that correct?

A That's correct.

Q Laying aside the question of the senator for a moment, he was telling you that members of the body in which you served had met with this sheik prior to you, is that correct?

A Yes.

Q And did he tell you who these people were?

MR. BROWN: I object if your Honor please. Irrelevant and immaterial and I ask for a side bar and an offer of proof.

THE COURT: Overruled.

You may answer the question yes or no.

A No.

Q Weren't you curious at that point to find out?

MR. DUFFY: Objection.

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MR. BROWN: Objection.

MR. CAHCERIS: Objection.

THE COURT: Overruled.

Q Weren't you curious, Congressman Myers, here he was telling you that members of the House of Representatives had met with this sheik; weren't you curious to find out who these people were?

A I guess I was curious but I didn't pursue it.

Q Why not?

A I didn't know it was --

MR. BROWN: Objection.

THE COURT: Overruled.

A I didn't think where it was any of my business.

Q Did he tell you that other people had received or were going to receive money from the sheik?

A No. He didn't mention anything about other people receiving money.

Q Did he tell you that you were going to be the only one who would receive money from the sheik?

A No. He didn't tell me that.

Q Did he tell you that the-- the delegation to which these people belonged who had met with the sheik?

A Had met with the sheik?

Q Yes.

A I don't follow the question, Mr. Puccio.

Q Did he tell you what state the representatives were from who had met with the sheik?

A No.

Q It may verycwell have been that members of the Pennsylvania delegation --

MR. BROWN: I object.

MR. DUFFY: Objection.

MR. BROWN: Speculative, your Honor, and asking for a conclusion of the mind.

THE COURT: Sustained.

(Continued on next page.)

Q There came a time during this meeting on August 22nd where some sort of package appeared on the scene, is that right?

A Yes.

Q And was it Mr. DeVito who took out this package?

A Yes.

Q And about how big was that package, Congressman Myers?

A It was a brown envelope, I would say about the size of this page.

Q And about how wide was it?

A I would say it was about an inch, maybe.

THE COURT: You mean thick?

THE WITNESS: Thick is what you mean, Mr. Puccio?

Q Yes. I'm sorry, thick.

A An inch thick, an inch and a quarter, maybe.

Q When Mr. DeVito took out that package you knew what it was, is that right?

A Yes.

I knew what it was.

Q You knew it was money?

A Yes.

Q And there came a time when he handed you that package, is that right?

A Yes.

Q What did you do with it when he handed it to you?

A Just held onto it. I had it in my hand like this.

Q Under your arm?

A I had it right in my hand. It wasn't that big to put it under my arm.

Q You didn't put it in your pocket or anything like that?

A No. I just held it in my hand.

Q By the way, when you got that package in your hand, Congressman Myers, did you then believe that what you had dond was improper?

A No. At no time did I believe what I had done was improper.

Q And even today you don't believe what you had done was improper, is that right?

A Yes, that's correct. I don't believe anything I've done is improper.

When I see myself on this box here, I am ashamed of myself. I am not proud of what I had done, my

actions, and particularly when I sas drunk. It's very embarrassing to me. But I didn't do anything wrong.

Q So what you are embarrassed about is the fact that you say you were drunk and not the fact that you took any money, is that right?

A No.

Now that I see this I am embarrassed that I took money. I am embarrassed that I was drunk. I am embarrassed of my whole attitude.

Q But your taking the money was not improper, is that right?

A I don't see it to be improper, no.

Q Now, you walk out of the room with Mayor Errichetti, is that correct?

A Yes.

Q And the door closes behind the both of you, is that correct?

A Yes.

Q And both of you walked to the elevator, is that right?

A Yes.

Q And you are holding the package, is that right?

A Yes.

Q And what does the mayor say to you at that point?

A He said the meeting went real well.

Q Okay.

Does he ask you for the package?

A No. I just handed it over to him.

Q According to a plan, is that right?

A According to a plan, yes.

Q As you pointed out Mayor Errichetti didn't go down in the elevator, is that right?

A Yes.

Q So you left him up on whatever floor it was, is that right?

A Yes.

Q And he took this package before you left and he put it in his pocket or did something with it, is that right?

A No. He still had it in his hand when I left. When that elevator door closed I handed the package to the mayor.

We walked up the hall and he still had the package in his hand. He didn't put it in his pocket or anything like that.

Q You saw the video tape of his next meeting

with Amoroso and Weinberg which took place a few minutes --

MR. CACHERIS: Objection.

MR. BROWN: Objection, your Honor. His conclusions with respect to an observation of evidence is irrelevant and immaterial and improper.

THE COURT: I am not sure what the question is.

MR. PUCCIO: I'll go on, your Honor.

THE COURT: All right, it is not necessary.

Q Is it possible, Congressman Myers, that in fact you didn't turn that package over to Mr. Errichetti?

MR. CACHERIS: Objection, your Honor, as to what is possible or not.

THE COURT: Overruled.

Q That you didn't turn that package over to Mr. Errichetti outside that room; is that possible?

A No. That is not possible because I handed that package to Mr. Errichetti.

Q Is it possible that you may have brought that package downstairs and handed it to someone else for Mr. Errichetti?

A No. It is not possible.

Q Now, at least while you were there the money was not taken out of its wrapper or anything like that,

is that correct?

A Yes, that's correct.

Q Now, you testified further yesterday that you went downstairs, you rejoined Mr. Johanson and drove back to Philadelphia, is that correct?

A Yes.

Q And I assume during the ride there was no conversation about this incident that had taken place, is that correct?

MR. CACHERIS: Objection to his assumption, your Honor.

THE COURT: Sustained as to form.

Q On the way back to Philadelphia did you and Mr. Johanson talk about what had taken place up in that room?

A To a little degree but we didn't get into it. I just told him I thought the meeting went okay and I was talking about the port and asking him what he thinks about a third container pier and that kind of stuff.

Q So you were pursuing with Councilman Johanson at that point his views about the feasibility of an investment in the port of Philadelphia, is that correct?

A Yes.

We talked a little about the port, yes.

Q And you talked about other legislative and council matters, is that correct?

A No.

MR. CACHERIS: Objection to legislative and council matters, your Honor.

THE COURT: Overruled.

MR. BEN-VENISTE: I object to the form, your Honor, when it says other legislative and council matters, referring to the prior question.

Q Well, is it --

MR. BEN-VENISTE: Excuse me, Mr. Puccio.

THE COURT: The answer is still no. Overruled.

Q To your knowledge, Congressman Myers, is the port of Philadelphia of some concern to a member of the City Council?

A I would think that the port of Philadelphia is of some concern to every citizen in Philadelphia.

Q And that would include a United States Congressman, is that right?

A Yes.

Q And in view of the fact that you exchanged correspondence with various city officials concerning local matters in Philadelphia for a number of years,

is that correct, Congressman Myers?

A Correspondence?

Q Yes. They sent you letters and you sent them back letters all concerning local matters, isn't that correct?

A No. Every and any correspondence I had as a member of congress concerned legislation dealing with the port or something to help the port, for example coal or something of that nature. That is a federal matter. When they send me letters about that it is not a federal issue.

Q But it would have impact on local matters, is that correct?

A Yes. The same way as any other legislation would have an impact on local matters.

Social security people, we vote on it in Washington but people in my district receive it.

Q About how long did it take you to drive from Kennedy Airport to Philadelphia, Pennsylvania on August 22, 1979?

A I would say about two and a half hours, something like that.

Q And approximately how much time during the two and a half hours was spent discussing the money that you had received up in that hotel room at Kennedy Airport?

A We didn't even get into the money. We were going back to Philadelphia. At that point we were going to discuss money when we reached the law office, Mr. Johanson's law office.

Q About how much time during that two and a half hour trip was taken up with any conversation?

A We basically --

Q About what had happened up in the hotel room.

A Very little.

MR. CACHERIS: Asked and answered, your Honor.

THE COURT: Overruled.

Q When you say very little do you mean five minutes worth?

A I can't give you an exact minute. I didn't have any stop watches with me to keep a record of it.

Q Approximately.

A I would say a few minutes. Ten minutes, maybe.

Q At the most?

A At the most, yes.

We didn't talk much about it.

Q Now, what else did you talk about, do you recall?

A General converation.

Any time I am with Mr. Johanson we always talk about politics, the upcoming elections. This happened to be a year where there was a mayorality race. I know we talked about that.

Any time I am with Mr. Johanson we talk about politics.

(Continued on next page.)

Q You are very close with Mr. Johanson, are you not?

A I wouldn't say I am very close with Mr. Johanson. I know him quite well. I knew him through politics really and of course he had a summer place down in the same area I had.

Q And you know other members of the City Council of the City of Philadelphia, is that correct?

A Yes.

Q And is there any member in the City Council of Philadelphia that you don't know?

A Yes. There are some I don't know personally. I know their names but I don't know them.

Q But you know most of them personally, isn't that correct?

A I would say yes, I know most of them personally.

Q And you know labor leaders in Philadelphia, isn't that correct?

A Yes.

Q And you know people in the construction business, isn't that correct?

A Yes.

Q And you know people who are serving or have served on the zoning board, is that correct?

MR. BEN-VENISTE: Objection, your Honor.

Q Well, answer each one.

Do you know people who are serving on zoning boards and do you know people who have served on the zoning board?

MR. BEN-VENISTE: Objection as to relevance.

THE COURT: Overruled.

A Yes.

Q Now, as you have testified yesterday, you arrived in Philadelphia, you went out to eat with Mr. Johanson, is that correct?

A We stolped at a bar restaurant type, a little restaurant bar right in Center City, Philadelphia near his office.

Q Why didn't you just go home at that point, Congressman Myers?

A We had to allow time for Mr. Criden to come down from New York.

Q And why were you interested in whether Mr. Criden was to arrive from New York?

A Well, I was interested in Mr. Criden coming down because someone was coming down with the package that I handed over.

Q So you were waiting for the money, is that

right?

A I was waiting to meet for the money, yes.

Q Okay.

Now, there came a time when Johanson called and found out that the money had arrived, that Mr. Criden had arrived, and you and Johanson went right up to the office, is that right?

A Yes.

Q And as you described it there was a little private meeting with you, Criden and Johanson and the money, is that right?

A Yes.

Q Mr. Cook was excluded from that meeting, was he not?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: What grounds?

MR. BEN-VENISTE: Excluded.

As to form. He was present or not present.

THE COURT: Overruled.

You may answer the question.

A The question was: Was Mr. Cook excluded?

Q Yes.

A I certainly didn't exclude him. But he was not present.

Q Now, when for the first time did you see this money, the actual bills?

A At that meeting in Mr. Criden's office

Q Where was it in the office, do you remember?

A He had the brown envelope on his desk and he said we have a problem. He went on to tell me about the problem.

The problem was that instead of one hundred there was fifty.

Q And did there come a time when the money was taken out?

A Yes. It was put out on his desk.

Q Out on the desk?

A Yes.

Q Wrapped up with rubber bands?

A I am notsure if it was rubber bands or bank wrappers around it.

Q When you saw the money on that desk, Congressman Myers, what was your state of mind?

A My state of mind at that point was this was the easiest money that I ever obtained any time in my life.

(Continued on next page.)

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Q You were very, very happy, is that right?

A I was very, very angry at that point.

Q Why were you angry?

A Because I thought someone at the top had swindled us.

Q You were angry because you wanted more than you were going to get, is that correct?

MR. CACHERIS: Objection, argumentative.

THE COURT: Overruled.

A No, I was happy to receive what I got but when he told me about the story about $100,000 being changed to $50,000, I thought Mel Weinberg had really took a large chunk off the top.

Q You never suspected Mr. Criden of taking anything off the top, he wouldn't do anything like that?

MR. CACHERIS: Objection.

THE COURT: Sustained.

MR. BEN-VENISTE: May Mr. Puccio be admonished?

MR. PUCCIO: I will withdraw the last part.

THE COURT: Mr. Puccio, it helps if

you save the sarcasm.

MR. PUCCIO: I'm sorry, Judge.

Q You didn't suspect Mr. Criden of taking any of that money off the top, is that correct?

A That is correct.

Q You didn't suspect Mayor Errichetti of taking any of that money off the top, is that correct?

A No, I thought Mr. Weinberg was the guy who took it off the top.

Q You certainly didn't expect your friend Councilman Johanson?

A No.

Q Now, there came a time when you took custody somehow of these one hundred dollar bills, is that correct?

A Yes.

Q How many packages were there?

A What I took custody of?

Q Yes.

A Three.

Q Three packages with $5,000 in each package? Is that correct?

A Yes.

Q Were you carrying a briefcase at this time that you took custody of this money in Mr. Criden's office?

A No.

Q What did you do with the money?

A Put it in my pocket.

Q All in one pocket?

A I don't know.

Q Some in here (indicating)?

A Inside pocket and some in the other side --

Q Other side of your coat, is that correct?

A I couldn't exactly answer that. I don't remember exactly what pocket.

Q Before you left the office you managed to stick that money in one or more of your pockets, is that correct?

A Yes.

MR. CACHERIS: Objection, asked and answered.

THE COURT: Overruled.

Q There came a time -- by the way, when you were walking out of that office on that evening with the money stuffed in different pockets --

MR. DUFFY: Objection to the form.

May we have a ruling before Mr. Puccio --

THE COURT: Objection to stuffed.

Rephrase the question.

Q When you were walking out of that office with that money in your custody, Congressman Myers, did you at that time believe that this was improper or wrong or dishonest in any way?

MR. BEN-VENISTE: Objection, your Honor. Asked and answered.

THE COURT: Overruled.

A No, I didn't believe it to be dishonest or wrong at any time.

Q Did there come a time --- withdrawn.

What did you do after you left Mr. Criden's office, Johanson's office?

A Went back to Longport to my summer house.

Q What did you do with the money when you got to your Longport home?

A Put it in my bedroom, in a drawer, top drawer.

Q How did that money remain in your top drawer, Congressman Myers?

A Not very long. A couple of days.

Q Did there come a time when you took this

$15,000 and put it in a bank account?

A No.

Q At the time of this incident, you maintained bank accounts, is that correct?

A I had a checking account. I never had a savings account --- I don't have one now.

Q You had a checking account at the First Pennsylvania Bank?

A Yes.

Q Did you have any checking account --

A No -- yes, I had one in Washington in the House of Representatives.

Q A checking account maintained by you and every other congressman at the House of Representatives?

A Yes. My salary is deposited in there on the first of each month.

Q You didn't put this $15,000 in your account at the House of Representatives, did you?

A No, because I spent it in about two weeks.

Q When you made these expenditures that you discussed during your testimony here, I assume these expenditures were in cash, is that correct?

A No. Some were and some were not.

Q Well, what is the biggest expenditure you made of that $15,000? What is the biggest chunk you spent in any one place?

A My children's tuition for their school.

Q About $4,000?

A It was not $4,000 in one lump. What actually went to the school was $2,550. Additional stuff went to another thousand.

Q Did you deposit any of this money in your checking account at the House of Representatives and write a check?

A Yes.

MR. CACHERIS: Objection.

THE COURT: Overruled.

Q Which account did you put the money in?

A First Pennsylvania.

Q In Philadelphia?

A I didn't put it all.

Q How much did you put?

A I don't know. I would have to get my records out. When I paid a bill off, I deposited cash into that checking account.

Q Is that the only checking account you

used for this proedure?

A I pay all my bills out of that account.

Q As I understand it, as you found the desire or need to spend money you would put cash in the account and write the check on that account, is that correct?

A Yes.

Q All of the money was spent in that way?

A No.

Q How much was not spent through that procedure?

A I would my probably about half of it.

Q The other half was spent in cash?

A Yes.

Q So that would be about $7,500 spent in cash, is that correct?

A Yes.

Q How was that $7,500 spent?

A Well, the largest expenditure out of the seventy-five -- I don't know if it's exactly $7,500.

Q Approximately?

A All right. The largest expenditure was $1,000 that I paid to my father that I know.

Q In cash?

A Yes.

Q In one hundred dollar bills?

A Yes.

Q Taken out of your dresser?

A Yes.

Q How about the other $5,500 approximately?

A The next -- one of my sisters, Marylou, husband is a serviceman over in Germany. I lent her $500.

Q In cash?

A Yes.

Q How about the other $6,000?

A I bought furniture.

Q In cash?

A Yes.

Q Where?

A Sears & Roebuck.

Q Did you go into the store and buy the furniture yourself?

A Yes.

Q How much did you give the lady or gentleman at Sears & Roebuck?

A Whatever the bill was. I bought a freezer,

trash compactor -- I don't know exactly what they cost.

Q Approximately?

A Three or four hundred dollars apiece.

MR. BEN-VENISTE: I have an objection to relevancy.

THE COURT: Overruled.

A I don't know exactly what they cost. Trash compactor for three or four hundred dollars, freezer for something.

Q There is still another $5,000 that you haven't answered for, right?

A Yes.

Q What did you do with that?

A Well, I am a member of a hunting club. I put some money into that.

Q Yes?

A They are building a hunting camp upstate Pennsylvania. In the process of building.

Q How much did you put into that?

A I put, I would say, about $2,000 into that.

Q Who did you give that money to?

A I gave it to the people who delivered

the building materials.

Q What did you do with the rest of the money?

A The rest of the money I just spent. Bought my children all kinds of stuff. It's not hard to go through the money.

Q In a couple of weeks, it was all gone?

A A couple of weeks it was all gone, yes. That is correct.

Q Now, by the way, did you ever bring any of this money with you to Washington, D.C. and spend it there?

A I may have. Like I went down, I may have took a hundred or two for expenses. I can't recall if I did or didn't.

When I go down each Monday I have to have money in my pocket to eat and live.

Whether I actually took any of that, I don't know.

Q You maintain another residence down in Washington, is that correct?

A Yes.

Q You live in a house in Washington with similar congressmen, is that correct?

A Yes.

Q Congressman Myers, one of the people that you roomed with in Washington, D.C. is Congressman Raymond Lederer of Pennsylvania, is that correct?

A Yes. Congressman Lederer and I both rent a room from a United States Treasury Agent.

Q Both of you are very close friends, is that correct?

A Yes, I would say that is correct.

Q For how many years have you been a friend of Congressman Lederer? Do you recall?

MR. BROWN: I object to this within the context of the sidebar.

THE COURT: Overruled.

A I first became acquainted with Congressman Lederer when he was a member of the Pennsylvania legislature. I think he was elected in 1973. He took office I believe in '74.

Q So you have been friendly with Mr. Lederer for approximately six years at least, is that correct?

A Yes.

Q Both you and Congressman Lederer hold positions in the Democratic Party in the City of Philadelphia, is that correct?

MR. DUFFY: Objection. That is

beyond the scope --

MR. PUCCIO: I think it is relevant for two reasons.

MR. BROWN: I would like to make a motion at sidebar. I would like to reserve.

THE COURT: Save your motion for later.

You're getting into areas other than what we discussed, Mr. Puccio.

MR. PUCCIO: All right.

THE COURT: Pursue what we discussed. If you want to pursue other areas, we will have another sidebar.

MR. PUCCIO: All right.

Q Now, Mr. Myers, during your meeting on August 22nd, 1979, page 2, you said in talking about the Pennsylvania Delegation, "We're team players, you know, we work together. We have very important committee assignments. One of our members is on the ways and means committee."

Now, was that a true statement when you made it on August 22, 1979?

A Yes.

Q Later on page 5, you said: "We got,

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we also got a ways and means member. Now the ways and means committee is probably the most powerful committee in Congress. And it's my close colleague and one of our Philadelphians."

Was this a true statement when you made it?

A Yes.

Q Who is that powerful Philadelphian on the ways and means committee?

A Raymond Lederer.

Q Now, Congressman Myers, what is your present salary as a member of Congress?

MR. CACHERIS: Objection.

MR. BROWN: The same as all the --

THE COURT: Sustained.

Q Well, Congressman Myers, did you report the $15,000 that you received on August 22, 1979, on your income tax return?

A I have an extension on my '79 return. I have not filled out my '79 return under advice of my tax consultant.

Q What reason did your tax consultant give you for getting the extension?

A He told me that it would be best to

wait until the trial was concluded. He said that to file it prior to the trial, a gift, I would have to pay the tax for the gift. I better wait for the trial to be over. The Court or the Judge might instruct you to give the money back.

I will wait for this to conclude to fill out my '79.

Q Who is your tax consultant?

A A lawyer by the name of James Di Marco.

Q When he told you you became concerned about gift taxes that Abdul Enterprises would have to pay?

A No, I was never concerned about that. I wanted to be straight on actually how I should proceed with this.

Q You certainly believe that the $50,000 that you received is a gift, is that correct?

A Yes.

Q With no strings attached whatsoever, is that correct?

A That is correct.

Q This was because you were told it was a gift, is that correct?

A I was told by Lou Johanson, yes.

Q He told you that the money you had received would be a gift, is that correct?

A Yes. A gift from him and his law partner, yes.

Q So, Howard Criden and Louis Johanson, the law partners were giving a gift to you, is that correct?

A Yes, they were receiving $100,000 for intorducing the Sheik to important people.

They told me they would get $50,000 and they would be willing to share that with me and give me half of it as a gift.

Q The gift you were receiving from them?

A From them, $25,000, right.

Q You were not concerned that they would have to pay a gift tax on the money they were giving you, is that correct?

A At that point in time I was not concerned about that, no.

MR. BEN-VENISTE: I object to this.

It's not a tax case. Your Honor already instructed the jury and I thought Mr. Puccio about that.

THE COURT: Overruled.

Q Now, you and every other member of Congress is required to file a public statement every May, is that correct?

MR. CACHERIS: Objection.

Q Concerning monies that you received --

MR. CACHERIS: Objection. May we have a sidebar?

THE COURT: Sidebar.

(Continued on next page.)

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THE COURT: Ladies and gentlemen, I sustained the objection to the last question which by now you probably forgot entirely. It had something to do with the filing of reports of financial activities with some agency of the Government. Disregard it. It has no bearing on the case.

Proceed, Mr. Puccio.

MR. PUCCIO: Yes, your Honor.

M I C H A E L M Y E R S, resumed the stand, having been previously duly sworn, was examined and testified further as follows:

CROSS EXAMINATION

BY MR. PUCCIO: (Continued)

Q Now, Congressman Myers, prior to you testifying in this Courtroom and excluding your attorney or attorneys, how many people have you told about the monies that you received on August 22, 1979?

MR. CACHERIS: Objection, your Honor. Not relevant.

THE COURT: Sustained.

Q Well, did you, prior to -- after August 22nd and prior to February 2nd of this year, that is in that intervening period between August 22, 1979 and February 2, 1980, when you were interviewed by the FBI, between those dates did you ever make it known publically that you would receive this $50,000 -- $15,000?

MR. CACHERIS: Objection, your Honor.

MR. DUFFY: Objection.

THE COURT: Sustained.

Q Now, Congressman Myers, do you know what an honorarium is?

A Yes.

Q And have you received, ever received an honorarium?

A No.

Q Congressman Myers, were you agreed to go up to New York during August of 1979, were you in need of the $25,000 that you were to receive?

MR. CACHERIS: Objection, your Honor. Not relevant.

THE COURT: Overruled.

A I am always in need of money, Mr. Puccio.

Q Well, were you especially in need of money at that time for any pargicular reason?

A Well, it was two weeks' time. I needed some money. I was about to make a loan on my salary.

Q I'm sorry, you were going to what?

A I was going to have to make a loan on my salary.

Q And did you haveany other lozns outstanding or any loans outstanding at that time?

A I have made about 15 loans, I would think, since the time I was in the House of Representatives. We are allowed to borrow on our salary at a low interest rate and it is deducted monthly from our salary, pay back money.

I have had once since the first month I was there.

Q That is a lower interest rate than anyone else

would receive at a bank, isn't that right?

A It's a little lower than the normal bank, yes.

Q And were you receiving sufficient salary during August 1979 to enable you to support yourself and your family?

MR. CACHERIS: Objection, your Honor. That is argumentative.

THE COURT: Sustained.

Q Now, between August 22, 1979 and January 24, 1980, the day in which you met Mr. Wald and Mr. Criden at the Barkley, were you keeping in touch with your co-defendants?

A No.

MR. CACHERIS: Objection to the characterizations.

THE COURT: Overruled.

Q What was that?

A No.

Q Weren't you attending weekly meetings with Councilman Johanson at least up to the election?

A Yes.

With that -- I didn't understand your question. I saw Mr. Johanson at weekly meetings. Of course I didn't see him every week.

When the house would be on session on a Friday I would send one of my staff to cover these meetings.

But I had several contacts with Mr. Johanson along political lines.

Q And you occupied a position in the democratic party in the City of Philadelphia, is that right?

A Yes.

Q And you still do, is that right?

A Yes.

Q And you still do, is that right?

A Yes.

Q And you are called a ward leader, is that right?

A Yes.

Q And what does a ward leader do, Congressman Myers?

A A ward leader's duty is -- first of all, a ward leader is elected by the elected committeemen in that ward.

In my particular ward there are fifty committeemen and that group elects me as their spokesman to deal with matters at the democratic city committee.

In the City of Philadelphia there are

69 wards.

I happen to be one of the leaders of that ward. And within the democratic, you know, ranks, I speak for that fifty elected committeemen on any matters concerning politics.

Q For instance.

A For instance, when we select a candidate, for instance, there is a policy committee and they interview various candidates who want to run for various elected positions.

All the candidates' names would be submitted to the ward leaders for their approval and there is a vote on it.

Q Candidates for what kind of office do the ward leaders vote on?

A When we endorse a candidate or a slate of candidates, it would cover all elected offices from governor right down to the lowest elected office.

Q And somewhere in between would be members of the city council, is that right?

A No.

That is done on a -- there are various caucuses that are formed in each particular district to deal with that.

Q And do you as a ward leader have anything to do with the selection of city council members?

A On a district level?

Q At any level.

A Yes.

For instance, my city councilmen is the first councilmatic district within the City of Philadelphia. Within that district I believe there are ten individal wards that make up the first councilmatic district.

The ten ward leaders that are involved there would have a caucus. And they would select that candidate or they would recommend that candidate to the city chairman.

In my particular case, normally when it is an incumbant such as it is in the case as my area, normally it is just a formality, and that is it in this case.

Q The short answer to the question, and correct me if I am wrong, in your capacity as ward leader you have an effect on the selection of a member of the City Council, is that right?

A I have a vote on it, one of 69, yes.

Q And insofar as councilmen from your area, yours is an important vote, is it not?

A Yes.

It would be one of ten and my vote would be one of ten ward leaders on that caucus.

Q And you were one of the most important ward leaders in your area, isn't that correct, Congressman Myers?

A I would say that I am. But it is depending on how you look at it. I would think the other nine would think that they are the most important.

Q Now, Philadelphia is a democratic city, is it not, democratic party controls a lot of the patronage in Philadelphia, isn't that correct?

A Patronage?

Q You understand what patronage is?

A Yes, clearly.

Patronage is a thing of the past in politics.

Q Maybe you can define patronage for me so I can ask the next question.

MR. CACHERIS: Objection to the relevance of this, your Honor.

THE COURT: Sustained.

Q Do you know what patronage is, Congressman Myers?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: I sustain the objection.

Q Now, in your position as wared leader you have in effect through your vote or influence or whatever, on who receives certain jobs within city government, isn't that correct, Congressman Myers?

MR. CACHERIS: Objection to the form, your Honor.

MR. BEN-VENISTE: Objection.

THE COURT: Overruled.

Q Isn't that right?

MR. BEN-VENISTE: I object to the whatever part.

MR. PUCCIO: Strike the whatever, Judge.

THE COURT: Why don't you rephrase the question.

MR. PUCCIO: Yes.

Q Through your vote as a ward leader -- withdrawn.

Through your influence as a ward leader you have an effect on who gest a job in city government in Philadelphia, isn't that correct?

A I would say no, it is not correct. I recommend various people who want jobs. They must take a civil service test. And if they pass it and

get a high mark and it is very competitive. In the case of Philadelphia any civil service job that listed you usually get four or five hundred people taking the test. Because there is so much unemployment there. But I have made recommendations throughout my whole career for people.

If someone says can you send a letter backing me up, certainly I do that. Sure. That doesn't mean that they are going to get the job.

Q Now, one such recommendation that you made was for your friend, Mr. Fred DeBona, is that correct?

A No.

Q Well, didn't you at one time recommend to somone or to two people specifically, that Mr. DeBona receive a job in connection with the Port Corporation?

A No, I did not.

Q Do you remember having a luncheon with a Mr. Curry and a Mr. Kelly at the Downtown Club in Philadelphia concerning your recommendations that Mr. DeBona receive a job?

MR. BEN-VENISTE: I object to the relevance of this, your Honor.

It certainly has nothing to do with Mr. Criden and I would ask that your Honor curtail in

some way these tangential areas.

THE COURT: The objection is overruled, but you should keep in mind, ladies and gentlemen, the nature of the questions that are being put to the defendant Myers.

As I understand them most of them are directed at the question of his credibility as a witness here.

And if I understand correctly what Mr. Puccio is attempting to do, it is to try to presnt through questioning, other aspects of Mr. Myers' activities so that you may evaluate the testimony that he has given to you thus far. It does not bear directly on the issues in the case and it does not bear directly on any of the other defendants in the case, solely on this question of credibility of this witness.

Proceed, Mr Puccio.

Q Did you attend a luncheon at the Philadelphia Downtown Club with a Mr. curry and a Mr. Kelly and Mr. Fred DeBona in which you recommended to them that Mr. DeBona receive a job as secretary of the Philadelphia Port Corporation?

MR. CACHERIS: I would ask for a date, your Honor.

THE COURT: Can you give a date?

Q At anytime?

A I remember going to lunch with those gentlemen, yes. And --

MR. BROWN: I only object because I think --

THE COURT: Did you finish?

A I was going to explain what happened at the lunch, if that is what you want.

Q Sure.

A At the luncheon, we talked about Fred DeBona going on the Port Corporation as the executive director.

When you referred to making a recommendation, the Mayor of the City of Philadelphia makes that recommendation to the Board of Directors of the Port Corporation.

I never spoke to the Mayor of Philadelphia about that at any time. That is the point I am trying to make. I did not recommend that. That recommendation comes solely from the Mayor and then goes to the Board which consists of about 40 or 50 people.

I don't know how many are on the Board. They select who the executive director would be.

The word had been out the Mayor was going to recommend the name of Fred DeBona for that position. We discussed it at the luncheon.

Q And the reason for the luncheon taking place was so that you could tell these two gentlemen that you thought that Fred DeBona, your friend, should be director of the Port Corporation, is that correct?

A No, that is not correct. The reason for the luncheon, I knew the gentleman, Mr. Kelly, the director of Philadelphia's Marine Trade Association and Mr. Corey who handled the Pension and Welfare of the ILA.

The word was out that the Mayor was recommending Fred DeBona. When the Mayor of the City recommends somebody to a Board that is normally all it takes.

I wanted M. DeBona to become acquainted with them because he was going to be dealing with them, particularly in the Health and Welfare Plan.

Q Are you saying at the time you had the meeting it had already been determined that Mr. DeBona was getting that job?

A No, I said when the Mayor recommends somebody, normally that is all it takes. When the Mayor's recommendation is made it's usually approved readily.

Q Wasn't the reason for the two gentlemen to see what you had to say about Mr. DeBona?

A No, the reason was for me to introduce basically Mr. DeBona to these gentlemen. That was the purpose of the

meeting.

So he can get himself acquainted with some of the Port activities.

Q Now, would it be a fair statement that after your meeting on August 22, 1979, and after the meeting at Mr. Criden's office that evening, you had concluded that these representatives of the Sheik were untruthworthy people, would that be a fair statement?

A Yes.

Q You had concluded that they were people with whom you would never wish to deal with again, is that correct, Congressman Myers?

A I didn't conclude that, no.

Q You believed after this meeting on August 22, 1979, as you put it, Mel Weinberg was robbing his boss, is that correct?

A Yes, I thought he was robbing his boss.

Q Meaning the Sheik?

A Yes.

Q Now, you were concerned, were you not, that there might be, as you call it, a shake of the Sheik, is that correct, Congressman?

A I was concerned about a shake of the Sheik?

Q As you put it on the witness stand.

A I didn't know the Sheik got shook.

Q I think what you're telling me is you were not concerned --

A I didn't know the Sheik. I was never introduced to him.

Q Okay.

As a result you were not concerned with the fact that he was being shaken down?

A I wasn't concerned about him at all. I didn't know him.

Q You didn't care whether he was being shaken down?

A I had no feeling about him. I never met him.

Q You had no feeling one way or the other, is that correct?

A That is correct.

Q It was Mr. Criden, as I understand it, who called you and arranged for you to meet with the people at the Barkley Hotel on the 24th, January 24, 1980, is that correct?

A Yes.

Q And you attending that meeting, let's say, if I may say so, without any hesitation or mental reservation,

is that correct?

A Yes.

Q You attended that meeting without any hesitation because you believed that there might be some more money in it for you, is that correct?

MR. CACHERIS: Objection, argument.

MR. PUCCIO: Inquiring as to the state of mind, your Honor.

THE COURT: Overruled.

A No, I attended the meeting because Mr. Criden told me they were interested in a hotel complex.

Q As a Congressman it was essential for you to stimulate development in the City of Philadelphia, is that correct?

MR. CACHERIS: Objection, argumentative.

THE COURT: Sustained.

Q Were you interested in stimulating developments in the City of Philadelphia, legitmately interested in doing that?

A Absolutely, yes.

Q Was that the primary reason that you attended the meeting on January 24, 1980?

A Yes.

Q Was it the only reason you attending the

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meeting on January 24, 1980?

A Yes, th only reason.

I didn't know we were going to get into all this other conversation when I got there.

Q You didn't know before you attended the meeting that you were going to bring up the business about the trip to New York, is that correct?

A No, I didn't know that.

Q You didn't intend to do that?

A No, I think it just came out the way the conversation was going.

Q Now, at one point, during that meeting on January 24th, I take it you never met Mr. Wald before?

A That is right.

Q You never remembered meeting Mr.Haridopolos, is that right?

A Yes.

Q After the preliminaries were out of the way, you recall you talked about Congressman Barrett and the house he had in his daughter's name?

A Yes.

Q After the preliminaries were out of the way, you said to these gentlemen, give me a reason to be vocal, do you remember saying that?

A Yes.

Q You were talking then about what?

A I was talking about some kind of investment in the City of Philadelphia. They brought up -- you want me to continue?

Q Yes.

A They brought up about all this investment, Lou told me about the hotel in Atlantic City. I didn't see any investment. I wanted to see some investment. I brought it up.

Q The investment, as you put it, was the reason to be vocal, is that correct?

A Yes.

Q The investment was the reason for you to be vocal where?

A The reason to be vocal --

Q Where?

A In all kinds of areas.

Q Yes. For instance?

A Anything they -- if they had a problem, I would be vocal because I would solve their problem.

Q One of their problems was an immigration problem, is that correct?

A Yes.

Q And the investment was the reason to be vocal with respect to their immigration problem, is that correct?

A No.

Q Why not?

A Because I knew that never existed, that problem. That was play acting.

Q You didn't tell that to Mr. Wald at the meeting on January 24th, did you?

A No.

Q In fact, correct me if I am wrong, you did qutie the contrary,you told them on several occasions on Janaury 24th that you would help on the immigration problem, is that correct?

A No. Everytime they brought that up, I never brought it up. Everytime he brings up something about immigration, well, that was a different deal. And all that kind of talk. I just agree and go along with it. Yes, sure. I never brought up immigration at that meeting. He brought it up.

Q You were interested in legitimately helping the Sheik with his immigration problem, weren't you?

A I knew that was not a problem. It did not exist. No, I was not interested in helping.

Q You said during the meeting the Sheik should take crash courses in English?

A Yes, I said that.

Q That was in order to assist the Sheik with his immigration problem, was it not?

A Well, the way I meant it, yes.

Q Later on you say in response to a question by Mr. Wald, Mr. Wald says: Can you get the introduction of a bill, and you say: I can do that if I had a reason; is that correct?

A Yes.

Q Your reason again being investment?

A Yes.

MR. PUCCIO: May I have a moment, your Honor?

THE COURT: Let's take a short recess.

Don't discuss the case during the recess, ladies and gentlemen.

(Recess taken at this time.)

(Continued on next page.)

THE COURT: Mr. Puccio, how much longer do you expect to be?

MR. PUCCIO: About an hour, your Honor.

THE COURT: Bring in the jury.

MR. BEN-VENISTE: We can save time at a side bar now as to one area Mr. Puccio may be interested in going into.

THE COURT: Maybe he will save time and not go into it.

MR. BEN-VENISTE: The fact that he said another hour indicates that he is --

THE COURT: We will see.

(The jury is in the jury box.)

THE COURT: All right, Mr. Puccio, you may proceed.

MR. PUCCIO: Thank you.

CROSS EXAMINATION

BY MR. PUCCIO: (Continued)

Q Congressman Myers, how many drinks did you have at the Barkley Hotel on the 24th of January?

A I had, after watching the video, I saw two.

Q The first drink you were offered, is that correct, by one of the agents when you came in?

A Yes.

Q The second drink you requested yourself; is that correct?

A Yes.

Q I assume that you were drunk before you received that second drink?

MR. CACHERIS: Objection to the assumption.

Q Were you drunk before you received that second drink?

A I would have to look at the time on the tape. I noticed myself from watching the tape, I noticed myself I believe it was around 2214 where I see my voice starting to slur.

What point in time I became intoxicated, I can't tell you exactly.

From that point on, I started to get under the weather more and more as time went on.

Q Well, the meeting lasted about how long, Congressman Myers?

A About an hour and 40 minutes, hour and a half.

Q Would you accept my representation that you asked for another drink, you said put a tip on this boss man, at Page 107 in a transcript of a meeting that for 183 pages, would you accept my representation on that?

A What page is that, Mr. Puccio?

Q 107. If you would like to check it --

(Pause.)

A Yes, I remember saying that.

I will verify it is 107.

Yes, give me a little bit more on that tip boss, boss man.

I asked for a little bit more, but he filled it up.

Q Would it be a fair statement the meeting was half over before you had a second drink, Congressman Myers?

A I don't know. At what point in time is this?

MR. CACHERIS: Objection.

THE COURT: What is the objection?

MR. CACHERIS: Participation of Mr. Myers does not start until much after the meeting started.

THE COURT: To save time, I noted times as they went through the tapes, Mr. Myers appears 2200, the request for the second drink was 2247, and Mr. Myers left at approximately 2330. So that it is almost exactly in the middle.

MR. PUCCIO: Thank you,Judge.

THE COURT: That is my conclusion, ladies and

gentlemen, you are not bound by it. If you think it is significant, you can have them play the whole tape or those particular events so that you can determine the minutes if you think it makes any difference.

Q Would you accept that estimation of how far the meeting progressed before you requested --

A I will accept anything the Judge says, Mr. Puccio.

Q Is that your recollection?

A Yes.

Q Before you requested this second drink, the subject of immigration is being discussed, is that correct?

A Before I accepted the second drink?

Q Yes.

A You would have to refer to the page. Throughout the whole conversation immigration is brought up by Mr. Wald. He brings it up, I don't know how many times, but throughout the hour and a half conversation he brings it up. I don't know how many times.

Q Is it your best recollection that the subject of immigration came up before you requested the second drink?

A I think it did. Show me the page.

Q Do you recall Mr. Wald saying that the situation insofar as the Sheik was concerned was worsening, do you recall that?

A Yes.

Q You took that to mean, I assume -- did you take it to mean that the Sheik would now have to leave his native land and have to come to the United States?

A Yes, that's what I thought he meant. Not to come to the United States.

Q Where did you believe that the Sheik was going to be going?

A I thought he was going to South America.

Q Did you pursue this matter with Mr. Wald? Did you say to Mr. Wald, well, the Sheik is going to South America?

A No, I didn't say that to Mr. Wald.

Q Do you recall telling Mr. Wald in response to his questions about the solution for the Sheik's immigration problems, do you recall your saying that it might depend on what kind of heat was on?

A Could you direct me to that page?

Q Yes, 41.

A Page 41?

Q Yes.

(Pause.)

A Yes, I said that.

Q On Page 42, did you say that in reference to immigration problems that each problem is individually handled; did you say that?

A Yes.

Q And you said these things while you believed the Sheik was not coming to the United States but going to South America, is that correct?

A Yes.

Q Now, on Page 76, you ask Mr. Wald to do something that will make you look good on the floor, is that correct?

A Page 76?

Q Yes.

A Yes.

Q What did you want Mr. Wald to do to make you look good on the floor?

A That was all B.S. That was total B.S.

Q What did you say you wanted Mr. Wald to do to make you look good on the floor?

A He said, all right, would that help you on the floor. He said that to me. Absolutely, helps me a lot.

Q What was it that helps you a lot?

A If you go back and pick up the conversation prior to him saying that, we are talking about the City Council. I say yes, to basically everything he asks, but in this particular colloquy he's talking about City Council and the electorate. If you go back -- you know.

Q Going ahead on Page 77, you talk about not wanting to go on a mission of no return, is that correct?

A I can't go on a mission of no return, yes.

Q You meant that?

A A mission of no return means to me something I would have to do that wouldn't be right.

Q You meant that when you said that, is that correct?

A Yes.

Q And you were not prepared to tell Mr. Wald that you would do anything wrong, is that correct?

A Well, I told -- the ten or fifteen problems that he was discussing, that he may have that don't exist, I know they didn't exist, I told him I could handle all of them.

Throughout the conversation I am feeling him out, Mr. Wald, because I don't know Mr. Wald, I just met him. He's feeling me out. I know he's lying to me. He's looking for ground, going to break ground in eight weeks.

I know he's lying.

(Continued on next page.)

Q And you say all these outrageous things because you are just playing him along, is that right?

MR. CACHERIS: Objection.

THE COURT: Sustained as to form.

Q You are saying these things that you don't mean because you are playing Mr. Wald along, is that right?

A Yes.

Q You are feeling around, is that correct?

A Yes.

Q You are feeling around?

A Yes.

Because I feel maybe there is some money going to be invested in Philadelphia because I am trying to remove some road blocks that he may think he has, such as if he had a mafia problem or if he thought he had a problem with anything I wanted to remove it so it would not block all the Arab money from being invested in Philadelphia.

Q And you persisted in this as though, you said, Mr. Wald was lying to you?

A Yes.

He was lying to me. I sort of half believed him at times. He was sharp. He came back with answers like, I am the financial director in America and I am

not in the cold. He talked about all sorts of things. And I knew he didn't know anything about what he was talking about insofar as these investments.

Q And you felt it necessary to stay there for bett(than an hour and listen to thse lies that Mr. Wald was telling you, is that right?

A Yes.

I thought it was worth staying there, yes.

Q And at no time did it cross your mind that you should get up and leave, is that right?

A No.

I didn't make any attempt to get up and leave.

Q Now, on page 115 you said that you got, quote, unquote, screwed the last time.

Is that right?

A Page 115?

Q That's right.

A Yes, I said that.

Q And that is not normally the way you speak, is that right?

A No.

That is not normally the way I speak. But the way they were speaking, it blended right in.

Q So you felt when in Rome, right?

They were speaking that way, and you would speak that way?

A Yes.

They were talking like tough guys and I would talk like a tough guy.

Q And at least part of the problem was that you were drinking, is that right?

A That was part of it.

Q Now, why did you bring up the subject of getting screwed in New York, Congressman Myers?

A Because it was all this hemming and hawing, going back and forth between me and Mr. Wald.

He was by this point in time, he must have already talked about fifteen other problems he had.

I solved all them and now we got up to this point.

Q You are referring to the trade union, the Port Corporation, the City Council, the Mafia, Zoning Board and Immigration problems?

You had already said you had taken care of that?

A Yes.

Q Now here is your opportunity and you said,

I got screwed in New York, and I am asking why you brought this up.

A At this time he never made any mention about Weinberg at all, anything to do with Weinberg.

I was becoming very suspicious after awhile.

Why didn't he understand what I understood and Weinberg understood?

He kept hinting around certain things.

Q And you thought that the way to flush this out was to request more money, or at least agree to accept more money, is that right?

A I wanted to find out whether he knew what really happened.

Q Was it part of your plan or design to find out what Mr. Wald was about to accept more money or agree to accept more money?

A No.

I had no intentions of accepting more money or even talking about more money when I went to that meeting.

He brings up the 35. And first of all he made a mistake about the 35. It was supposed to be 35 that I was to get. He said 35. And when he says 35 I don't say nothing. I just dummy up.

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Q Now, on page 128, you say again that you can't go on an F'n mission, as you put it yesterday, is that right?

A Yes.

Q And you also say -- that was true, of course, is that right?

A That I wouldn't go on a mission?

Q That's right.

A I am trying to get Mr. Wald to give me some clue to what he is trying to -- he is hinting all over the place.

He won't come out and tell me anything direct. It's just all the made-up problems that he talks about, but he hints around immigration, well, that's this, that's that, I want to try to get an understanding what Mr. Wald means.

I want him to tell me that he was aware of the Weinberg situation at the last mecting. He don't do that. So I keep coming on.

And as this conversation goes on you will see at the very end where I tell him absolutely I will not introduce a bill because he don't come on. He don't come on to tell me about the play acting. I took it he didn't know about the play acting after the meeting was

over.

Q Now, at one point on page 28 you say, well, I like broads and I like to gamble.

Do you recall saying that?

A Yes, I said that.

Q And of course that's false, is that right?

A Well, I like broads. I married one whom I love very much.

Q And that was the context in which you meant it when you said it to Mr. Wald, is that right?

A I just used it loosely. I didn't mean anything by it.

Q Well, you said you like to gamble -- excuse me.

Was that a true statement when you said it?

A That's B.S. It was not a true statement.

Q Now, you said at page 129 that you felt hurt about what happened in New York; is that right?

A Yes, for a little bit.

Q And is that a true statement?

A Well, I figured that Weinberg had really cleaned the envelope out to a degree that it wasn't the deal that was set originally.

He was ripping us off is the way I looked

at it.

Q On the question of Mr. Weinberg, Mr. Weinberg never instructed you to do anything, is that right?

A I never spoke --

Q Can you answer that yes or no?

A Can I answer it yes or no?

Q Yes.

A I never spoke to him.

Q Other than sitting at the meeting and saying a few words, is that right?

A Yes.

Q He never told you to act, is that right?

A Yes.

Q He never instructed you to do anything, is that right?

A No.

I never spoke to him.

Q He never told you anything about South America or the sheik going there or anything like that, is that right?

A That's right.

Q So everything that you knew, byou knew from Mr. Errichetti, is that correct?

A That's correct.

Q ...ow, at page -- I take it when you said I ...el hurt, that was not a true statement, is that right?

A Well, I felt a little hurt. I wanted to get ... the bottom of what happened at that other meeting.

Now, as we went along this lengthy ...nversation, I never dreamed that we would get into this ...ea. Because of the drinks maybe I brought it out. ... had no intention of this at all.

Q You said at page 130, I believe, you asked, ... I free to talk here?

A 130?

Q I'm sorry, 136, you said, am I free to talk ...ere; is that right?

A I remember saying it. But I'll find it here. ...136?

Q Yes.

A Yes.

The very last thing. Am I free ... here. Yes, I see it.

Q And what was your reason for saying that, Congressman Myers?

A Well, I say that, am I free to talk here, meaning to Mr. Criden who was sitting there and to Mr. Wald, did they know what happened at the first deal,

am I free to talk, is the way I meant.

Mr. Wald was in a different area totally than in the first meeting.

MR. PUCCIO: May I have a moment, your Honor?

THE COURT: Yes.

Mr. Myers on page 136, at the bottom it ends up, am I free to talk here.

And at page 137, Mr. Criden says,lay it on the table.

Did you address that question to Mr. Criden, am I free to talk here, or were you talking to Mr. Wald?

THE WITNESS: Well, I threw it out looking for someone to respond, your Honor.

THE COURT: All right.

Q Now, on January 25th, the next day, with reference to the subject of getting screwed last time, you said, I brought it up for a reason. Is that right?

A Yes.

Q And why did you say to Mr. Wald that I brought it up for a reason?

A Do you want me to -- do you want to refer me to that page, Mr. Puccio?

Q Page 12 of the next transcript which should be 8A.

A Yes.

I said I brought it up for a reason. I want to know where I am coming from. I want to get a response. I want to know what Mr. Wald was talking about here.

(Continued on next page.)

Q Now, going back to the 24th, you said at page 148, I thought I should have had fifty grand that day.

Did you say that?

A 148?

Q Yes.

A I thought I should have had fifty grand that day. Yes, I said that.

Q Was that a true statement of your thinking?

A No.

What happened here, and I'll have to explain it if you allow me --

Q Was that statement true or false?

MR. CACHERIS: He has answered it, your Honor.

May he explain?

THE COURT: He said no.

If you want an explanation he is ready to give it.

MR. PUCCIO: Yes, your Honor.

A When I talked about the $100,000 at the beginning when we got into this money, I was supposed to get 25.

Now, Mr. Wald said you were supposed to get fifty. So I didn't say no. I didn't say anything. I

just sat there.

So he took it I was supposed to get fifty. Then he suggests, we owe you twenty-five. The way I count he owed me ten. So I didn't say anything about that. I just dummied up.

Now he thinks he owes me fifty and when we get further down the line I am agreeing with him now that it is fifty instead of the original twenty-five that I agreed to.

Q And even though you said that you didn't intend to take any more money, is that right?

A At this point in time -- throughout this conversation I had my doubts about Mr. Wald because I was all over the lot.

Every two seconds he went in a different direction. I thought after this point in time after we talked for awhile, not long into the conversation, I don't know when I formed the opinion that Mr. Wald didn't know what he was talking about.

I thought he was in some way trying to steal something off the sheik.

Q Congressman Myers, can you answer my question:

At this point in time when you said that you

were not intending to take any more money, is that right?

A I never expected tp get any more money off Mr. Wald.

Q Were you intending to receive or take any moremoney when you said that to Mr. Wald?

A No. I never believed Mr. Wald.

Q Now, did you ever say during this meeting that you were concerned that receiving money would look like a kickback?

Did you ever say anything to that effect?

A Refer me to the page, please.

Q Well, did you say give me a reason other than a kickback or something to that effect?

MR. CACHERIS: May we have the page, your Honor?

MR. BROWN: What page was that?

THE COURT: He is looking for it.

MR. PUCCIO: One moment.

(Pause.)

Q 141 to 142, starting at the bottom of the page, 141, and I quote, "And give me a reason."

Mr. Wald says, "All right. Number two, right."

And Mr. Myers says, "Other than, you know, a reason that, what the hell, why are you interested, what

are you getting, a kickback?

A Yes.

I am asking him is he getting a kickback. I am asking Mr. Wald is he getting a kickback.

Q You are asking Mr. Wald if he is getting a kickback?

A Yes.

Q You are not talking about someone viewing what you received as a kickback, is that correct?

A Absolutely not. I am trying to get Mr. Wald to respond throughout this conversation.

I gave him all sorts of hints. I wanted an answer from him. I wanted to know if he knows about Mel Weinberg in the first meeting.

Q Now, you talked several times about not going on a Kamikaze mission; is that correct?

A Yes.

Q And on page 171, I believe you said again, I am not going to run out, you know, say, well, here's X amount of bucks, go out and introduce this bill. I'm not interested in an F'n bill that's going to get me F'n shanghied the next day.

Do you say that?

A Yes, I say that and that's what's exactly

what I mean.

That's the end of the conversation.

Q And are you saying --

MR. CACHERIS: Objection, your Honor.

Let him finish the conversation.

THE COURT: Did you finish?

THE WITNESS: Your Honor, I am saying that is about the end of our conversation that night.

Q Did you mean, when you said this, Congressman, that you would not under any circumstances introduce an immigration bill?

A Yes.

Q And you were not saying then that you would not introduce a bill that would get you in trouble. Is that right?

A I am not saying that?

Q That's right.

A What I say here, Mr. Puccio, is that I will not introduce a bill that is going to get me shanghied. If it is a legitimate bill like the one bill I had experience with in my four years as a member of Congress, yes, if it is a legitimate individual who has a problem.

But in this conversation what he is trying to hint to me I am making it clear I will not go

on any mission that will get me shanghied.

Throughout this conversation I try to tell Mr. Wald and I hint to him several times, I felt I tell him I will not go in -- to a mission of no return or a Kamikaze mission.

And this is the end of the conversation and I go on to tell him I am not interested in an F'n bill that is going to get me F'm shanghied is exactly what I tell him and that's about the endof our conversation that night.

Q Now, Congressman Myers, you meet again with Mr. Wald on the next day, is that correct?

A The 25th?

Q hat's correct.

A Yes.

Q And you have further discussions with him about your trip to New York in August of 1979, is that correct?

A Yes.

Q And he indicates that there is money that is going to be paid to you, is that right?

A Yes.

Q And did you believe at that time -- withdrawn.

Q Did you at that time agree to receive that money?

A I didn't turn it down. Of course, nothing came and I didn't believe anything about more money coming. He kept telling me about all that stuff.

Q But you expected more money; isn't that correct?

A No.

I felt by this time that this guy was full of B.S. and there was just now way that he was going to do anything for me.

Q Well, you weren't drinking at the second meeting; is that correct?

A No. I was sick from the night before.

Q You understood perfectly what he was saying at that second meeting; is that right?

A I understood what he was saying, yes.

Q And what was your purpose of going up there for that second meeting visit?

A Well, I still thought that maybe there was a possibility that some development was going to come in the City, and I wanted to be clear on what happened the night before.

Q You wanted him to tell you what happened the

night before; is that right?

A I didn't want him to tell me. I wanted to get some questions straightened out.

Q He told you what happened the night before. He told you you were going to get some more money; is that right?

A I thought maybe he would have something to say without Mr. Criden in the room that he couldn't say with him there.

Q And you still legitimately felt it was important to seek investments for the City of Philadelphia; is that correct?

A Yes.

Q And would it be fair to say, Mr. Myers, that if someone from a foreign country made investments in the City of Philadelphia in a large amount,that would be ample reason for introducing a private immigration bill?

MR. CACHERIS: Objection, your Honor.

Speculative.

MR. DUFFY: Objection, your Honor. It calls for a conclusion of law.

THE COURT: The latter objection is overruled. As to the former, you can answer it, Congressman Myers, on the basis of your evaluation on what would

be justification for introducing a private immigration bill, if you can answer it at all.

THE WITNESS: Would you repeat the question, Mr. Puccio, please?

Q Well, if the Sheik or anybody else from a foreign country had made a substantial investment in the City of Philadelphia, in your mind would that have been sufficient justification to introduce a private immigration bill?

A No.

Q And did you ever say at any of these meetings that you attended in August of '79 or January of 1980 that it was not, that it was investments in Philadelphia would not be a sufficient reason, sufficient justification for you to introduce a private immigration bill?

A I kept talking about reasons, reasons. My reasons were to get those Arab dollars to America quickly.

Q Now, did you say in your meeting on the 25th of January at the Barkley, that I got a little bit of clout, I am not saying I can deliver 30 or 40 members, but a few standup guys who could help and they would be interested in. I could never approach anybody.

Did you say that?

A What page are you referring to?

Q I believe it's Page 8. It's not marked on my copy, but it's the page after 7 of the meeting on the 25th.

A Page 7, Mr. Puccio?

Q The page after Page 7. It's not marked on my copy.

A Where I say it seemed like an effin scam to me?

Q Yes,that's right.

A Yes, I said that.

Q Did you mean that when you say, I got a little bit of clout, I am not saying I can deliver 30 or 40 members,but I got a few standup guys; did you say that?

A Yes.

Q Did you mean that when you said that?

A No. I didn't mean that I could deliver anybody to do anything wrong. I talk about an effin scam, an effin scame it seemed like to me. And what I indicate here is I tried to get more information out of Wald.

Q When you say I am not saying I can deliver 30 or 40 members, but I got a few standup guys, were you referring to members of Congress?

A Yes. I was referring to members of Congress.

Q And on Page 22 of that same meeting, you talked

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about Kennedy Airport as being a bad place to meet, you know,there is too many people in the airport, I might even bump into people I know coming into Kennedy Airport, I don't even know why I met anybody at Kennedy.

Did you say that?

A Yes, I said that.

Q And was that the truth when you said it?

A Well, it was the truth. The way I felt about it at this point in time is that I was supposed to meet Mr. Weinberg to get my instructions and my script.

I didn't think Kennedy Airport was a good place to have such a meeting, is what I mean by that.

Q By the way, at the end of your meeting on the 24th you indicated that you were going to meet Mr. Criden in the bar of the Barkley Hotel, and have a beer with him; is that right?

A Yes.

Q And you in fact -- did you in fact do that?

A Yes.

Q And did you and Mr. Criden discuss what had transpired up at the meeting?

A Breifly, briefly.

Q Well, did you discuss this problem that had ocurred in New York and did you discuss the fact that you

had brought it up at the meeting upstairs?

A Yes. We discussed it a little bit, yes.

Q And did you discuss with Mr. Criden the fact that you were expecting to receive additional monies now that you had brought it up?

A No. I didn't get into that. I just told Mr. Criden that I wanted to bring it to a head because I wanted to find out the true story.

Q And did Mr. Criden express any reservations about Mr. Wald or Mr. Haridopolos at that time?

A No, he didn't say anything about either one of those gentlemen.

Q Did he in fact tell you to trust them and not to be suspicious about them?

A He talked more about this hotel complex. This is in real estate business. He was interested in real estate.

Q Well, did you discuss with Mr. Criden investments that you would seek in the City of Philadelphia at that time?

A Just general about a hotel complex that, you know, was going to break ground in eight weeks and they didn't know where it was going to be built.

Q And about how long did you stay with Mr. Criden

in the bar of the hotel?

A I would say about ten minutes.

Q Now, on the 25th of January you had a conversation with Mr. Wald about Mr. Musto; is that right?

A Yes.

MR. CACHERIS: Your Honor, can we come to the side bar?

THE COURT: Even before he answers the question?

MR. CACHERIS: Yes.

THE COURT: Side bar.

(Continued on next page.)

* * *

* * *

(The following takes place in open Court.

THE COURT: I have sustained the objection.

CROSS EXAMINATION

BY MR. PUCCIO: (Continued)

Q Congressman Myers, you spoke to Mr. Wald onthe 29th of January, is that correct, over the telephone?

A 29th of January?

Q That is right.

A I believe so.

Is that the tape played in the Courtroom?

Q That's right.

A Yes.

Q During this conversation I assume you were not drunk, is that correct?

A Yes.

Q I assume you were not play acting, is that correct?

A You will have to play the tape so I hear it.

Tell me what it says.

Q Were you play acting after the 25th of January, 1980, in your conversations with Mr. Wald?

MR. CACHERIS: Your Honor, may I direct the witness' attention to Exhibit 9-A, if there is a transcript of that.

THE COURT: That is a transcript of the telephone conversation of January 29, 1980 between Mr. Myers and Mr. Wald.

(Continued on next page.)

MR. CACHERIS: That is the area of inquiry, I understand.

THE COURT: There is a broader question now pending before the witness.

Q Were you play acting, Mr. Myers, after the 25th of January, 1980, in your conversations with Mr. Wald?

A With reference to all the problems I solved for him, yes.

Q With reference to the money that you were to receive, some $85,000 for those discussions, play acting --

MR. CACHERIS: Objection. That you were to receive.

THE COURT: Wait a minute I have three objections and the witness wants to answer.

MR. DUFFY: Withdrawn.

Q With respect to conversations concerning the monies you were to receive, after the 25th of January, was that play acting on your part?

A The money that I was to receive?

Q Yes.

A I never received any monies.

Q You discussed receiving monies on the 29th of Janaury?

A You are talking about all the money Michael Wald had been throwing out?

Q Did you discuss receiving money with Mr. Wald on the 29th of January?

A Yes. Mr. Wald said: I owe you the money we discussed.

Q What did you say?

A Yes.

Q What else did you say?

A He talks about going away for the weekend. I say okay.

Q Well, I will withdraw that, Mr. Myers.

Within this conversation, were you play acting?

A He was play acting.

Q And you knew that, is that right?

A I don't believe anything that this man said about all these things he was going to do. I'm looking for something concrete. I keep throwing it back to him.

Q You didn't turn down money?

A He didn't give me money.

I didn't have an opportunity to turn it down.

Q When he said on the 29th, you have the money coming, didn't you have an opportunity to say no, I --

A I didn't answer. If he thought I had money

coming that was his thinking.

Q You were prepared to take it?

A I wasn't prepared to take something that wasn't coming.

Q Were you prepared to take it on the 29th of Janaury when you said okay?

A You're telling me if he stopped by my house --

Q Were you prepared on the 29th of January to take the money when you said okay?

A I can't really answer that because I don't believe any money was coming. He kept telling me it was coming but it never came and I didn't believe it was coming.

Q You told him you didn't believe it was coming, is that right?

A That is in writing?

Q I'm asking you, did you tell him you didn't believe the money was coming?

A Are you referring to something said in the conversation?

Q I am asking you what happened?

A I don't recall saying that. If it is said somewhere, point it out.

Q Could you have said that?

A Could I have said it?

Q Yes.

MR. BEN-VENISTE: Objection. He said he didn't recall saying it.

THE COURT: Overruled.

Q Could you have said it?

A I could have said that, sure.

I don't remember saying that, but if you can point it out, I will go to the page.

Q On the 29th of January, when you agreed there was this money coming to you, you said okay, did you believe that was improper for you to do that as a United States Congressman?

A Improper?

Q Yes.

A For getting money for doing nothing, no.

Q Did you believe it was improper to agree to get more money?

A For doing nothing, no.

Q On the 31st of January, you again in a telephone conversation with Mr. Wald discuss receiving some additional money, is that correct?

THE COURT: That would be Exhibit 10-A.

MR. PUCCIO: That is correct, Judge.

A He again, he keeps bringing up what I owe you.

He threw it out to me. I say yes.

I don't ask him for the money.

Q Excuse me?

A I don't ask him. The money I owe you, I will be around Friday. He brings the stuff up. The way the conversation starts.

Q Who brings up the subject of the money?

A Are you talking about what I am reading?

Q 31st of Janaury, 1980.

A I say about the other things.

Q Meaning what?

A The gentleman that you asked me -- the meeting of the 25th.

Q You were referring to whom when --

MR. DUFFY: Objection, your Honor.

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

Q You were referring to whom when you said the other thing?

A Here I say, what do you want me to do on the other thing. I am referring to Ray Musto.

Q What did Mr. Wald say?

A What I owe you --

Q What did you say?

A Yes.

Q It's clear that the other thing you were referring to was what was owed you, is that correct?

A No, that is not correct. This is entirely a different thing he is talking about.

MR. BEN-VENISTE: This was the matter discussed at the side bar. Mr. Puccio knows that. I object to it.

MR. PUCCIO: Your Honor, that is just not so.

THE COURT: In light of the witness' testimony the objection if overruled.

Q Mr. Wald says, well, as soon as I come back I will make you whole and the other figure I owe you as well; what did you take that to refer to?

A I take the two figures he talked about, 35 and 50.

Q Were you drunk during this conversation, Congressman Myers?

A No.

Q Were you play acting?

A No, I wasn't.

Q Did you believe it was improper for you as a United States Congressman at that time to agree to receive

these official monies?

A No, I didn't think it was improper because I didn't do anything and was to do absolutely nothing for money.

Q By the way,you were interviewed by the FBI on February 2, 1980, is that correct?

A Yes.

Q You were asked during that interview by agents of the FBI if you knew Michael Wald, is that right?

A Yes.

MR. CACHERIS: The question was Michael Cohen.

Q What did you say?

A I said no.

Q You were asked if you knew Mr. Weinberg, is that correct?

A Yes.

Q What did you say?

A I said no.

Q You were asked if you knew Mr. DeVito, you said no to that too?

A Yes.

Q In fact you denied knowing them on more than one occasion; is that correct?

A Yes.

At that point in time I didn't know what he was talking about. The FBI agent had not instructed me why he was asking the questions.

Q You didn't know who Mr. Cohen was February 2, 1980?

A I didn't know who he was?

Q That's right.

A Yes, I knew but I was afraid at that point in time.

Q Afraid of what?

A Michael Cohen was caught by the Sheik.

Q I see.

Why did that make you afraid?

A Because these people I took as legitimate people, as a friend and I didn't want to see anybody in trouble.

I didn't know what was up.

When Michael Wald told me about the retaliation, Ernie would have to go do something, I didn't want to see anybody get killed.

Q You thought admitting to the FBI you knew the people somebody would get killed?

A They never told me -- I invited them in. The first question out of the agent's mouth before he said anything

was: "Do you know Michael Cohen?"

If he had explained to me I was under investigation, explained they were FBI agents, I would have been happy to answer the question if I knew more about it.

Q You wanted him to tell you that these were FBI agents who you met before you answered the question?

A No, I wanted him to tell me things to properly answer the question.

Q They told you that they were conducting an investigation and showed you their credentials?

A They told me after they first asked me the questions --

Q You first said no, I don't know any of these people?

A Yes. Wait a minute, I told him I knew Howard Criden, Mayor Errichetti, other names. But the Arab Sheik's representatives, I said I didn't know. I didn't know why he wanted to know.

If he told me a little more, I would have been happy --

Q You said on three occasions during the interview you didn't know Michael Cohen, Mel Weinberg and tony DeVito, is that correct?

A Yes, that is right. I knew that Mel Weinberg

was doing something against his employer. That is the reason I said I didn't know him.

MR. PUCCIO: I have no other questions at this time.

THE COURT: Any redirect?

MR. CACHERIS: Yes.

REDIRECT EXAMINATION

BY MR. CACHERIS:

Q Mr. Myers, on August 22nd, you met with Mayor Errichetti at the airport and there you received instructions what to do in preparation for that meeting?

A Yes, that is correct.

Q You had previously spoken to Mr.Johanson about the meeting?

A Yes.

Q You are now aware that you were mentioned on some taped conversations between Mr. Errichetti, Mr. DeVito and Mr. Weinberg, are you not?

A Yes, I heard them in the Courtroom.

Q You are aware your name was mentioned?

A Yes.

Q And you were said to have been ready to come in?

A Yes.

Q Is that correct?

A Yes, I heard it.

Q Did you discuss any of that with Mr. Johanson or Mr. Errichetti before the August 22nd meeting?

A No, I did not.

Q Had you been contacted by anyone other than Mr. Errichetti -- withdrawn.

Had you been contacted about this meeting of August 22nd by anyone other than Lou Johanson?

A No.

Q You were told by Mr. Johanson that when you got to the meeting or before the meeting that Mayor Errichetti would discuss with you what you were supposed to say and do?

A Mayor Errichetti and Mel Weinberg.

Q When you got to the airport, you did not meet Mr. Weinberg, you met Mr. Errichetti?

A Yes.

Q He did in fact instruct you how to proceed in this meeting?

MR. PUCCIO: I object to the leading.

THE COURT: It's saving time, overruled.

Is that correct?

A Yes, that is correct.

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Q Did you do what you were told to do in the meeting?

A Yes, I did exactly what I was told to do.

Q Did you ever have any intention of introducing any legislation for this so-called Arab?

A I never had any intention of introducing legislation and I never did. And I also knew that possibility didn't exist. So I had never intended to do anything and would not have.

Q On Janaury 24th, at the end of that meeting of some hour and 45 minutes, did you express yourself on the immigration matter?

A When Michael Wald, Michael Cohen was there, when he keeps hinting around immigration matters, I keep asking for reasons, talking about missions to nowhere, Kami Kaze missions, I tell him I am not interested in introducing any bill. I knew Mel Weinberg understood the stage play acting. I wanted to make sure Mr. Wald was clear.

Q Clear on what?

A I was not doing anything as far as introducing any legislation or anything illegal.

MR. CACHERIS: No further questions.

(Continued on next page.)

MR. DUFFY: May I?

THE COURT: Yes.

RECROSS EXAMINATION

BY MR, DUFFY:

Q Mr. Puccio brought up the tax question and the question of gifts?

A Yes.

Q Did you tell us you have a lawful extension of time within which to file your tax return for 1979?

A Yes. My --

Q Answer the question.

A Yes.

Q Did you consult some tax person, a lawyer or accountant, or whatever?

A Yes, I contacted Mr. James De Marco who has been filling out my income taxes for me for the past, I would say seven or eight years.

Q What is he?

A An attorney in the City of Philadelphia.

Q You mentioned something about De Marco telling you Abdul Enterprise might have to pay a tax if it is determined they gave you some gift?

A That's where I got the gift. When they told me Abdul Enterprise would have to pay a gift tax, you

know if it was a gift. That's when I brought up about gifts. I took it to get money for doing nothing. He says they may have to pay a gift tax.

Q Because under the tax law -- is that what you're talking about?

A Yes.

Q Was that a discussion about tax laws?

A Yes. That was a discussion about the tax laws and he said to me that Abdul Enterprise they have to pay a gift tax on this.

Q Isn't it so that you, your tax position with the Government is you actually have a refund coming back apart from this money?

A Yes. Throughout the year of '79, of course, the Federal Government has held withholding tax against my pay.

Q You get a W-2?

A Yes. For that year I paid around, I think around $21,000 I paid in tax. My tax lawyer estimated I would have a return of about seven or eight thousand dollars coming back.

(Continued on next page.)

Q And you haven't tried to get it pending the outcome of this case?

A No. He suggested that I wait for this case to be over and maybe the Court would instruct me to give it back and we would determine what should happen at that point in time.

Q So the same Government that you work for and Mel Weinberg works for took your tax money and not his; is that correct?

A Yes.

MR. DUFFY: That's all.

THE COURT: Any other questions of Mr. Myers?

MR. BEN-VENISTE: If I may, your Honor.

THE COURT: Yes, Mr. Ben-Veniste.

RECROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Is it fair to say, Mr. Myers, that your lawyer expressed some puzzlement about this situation?

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q Had he ever heard of a situation before where a fictional group had given money to a Congressman?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q Did he indicate to you in substance that it was very unclear how all this would be handled from a tax standpoint?

A Yes. He said this is a most unusual case.

Q And did he say he was going to do the appropriate and legal thing in terms of getting a tax question answered?

A Yes.

MR. PUCCIO: I object.

THE COURT: Overruled. The answer is yes.

Q Now,with respect to the question about doing anything in return for the money that you received from this fictional Arab, is it fair to say that not only did you not introduce any legislation, but you did not even make a telephone call to find out about immigration in quotas or anything like that?

A That is correct. Normally -- do you want me to explain.

Q No. It can save time.

Did you ever even ask or was it ever told to you directly where this Arab supposedly came from?

A No.

Q Now, you knew someone was playing a game from this Arab side of the table, is that right?

A Yes.

Q There had to be a first meeting from what Mayor Errichetti told you?

A Yes.

Q And that person you believed to be Mel Weinberg?

A Yes.

Q Now, you also believed, did you not, from Mr. Johanson's earlier enthusiasm about the Atlantic City project that these Arabs did have incredible wealth?

A Yes. He told me about four hundred million in one bank.

Q And that was reinforced, was it not, when Mr. Criden mentioned about the multi-million dollar hotel construction in Philadelphia in January?

A Yes.

Q So that you believed on the basis of those statements at least, that these Arabs had substantial amounts of money, at least from the standpoint of the enthusiasm of others, which could be invested in Philadelphia?

A Yes, I did.

Q Now, Mr. Puccio in cross examination asked you a lot of questions about your state of mind.

Let me ask you with respect to Arab oil money as it related to the circumstances of the people who lived

in your district, what was your state of mind?

A Well, my state of mind was that the biggest problm we have in America is our dollars going over to the Middle East paying for oil. And this seemed like a perfect opportunity to get some of the Arab money, really our money over there, back into Philadelphia for investment. We have an unemployment rate of 15 percent in our City. I see some real gains of getting these bucks into our City.

Q With respect to the meeting after the meeting with Cohen and Ernie and Mr. Criden at the Barkley on January 24th, you went downstairs and said you had a ten minute meeting with Mr. Criden?

A Yes.

Q At that time did Mr. Criden agree with you that it seemed crazy, the way they were talking about hotel construction, breaking ground in eight weeks and yet not having a site?

MR. PUCCIO: I object as to leading, your Honor.

THE COURT: Sustained as to form.

Q Did Mr. Criden express to you that he had some suspicions also about the way that they were proceeding in the construction of your hotel?

MR. PUCCIO: The same objection, Judge.

THE COURT: I will permit that one. Overruled.

A Mr. Criden expressed to me that he had some doubts. But he was confident that this gentleman was the financial director.

Q And did he also express his confidence that on the basis of checking out their finances that these people actually had hundreds of millions that they said they did at Chase Manhattan?

A Yes.

That was brought out several times. It was brought out by Mr. Johanson first.

MR. BEN-VENISTE: Nothing further.

THE COURT: Mr. Brown.

MR. BROWN: Yes, your Honor.

May I question from here?

THE COURT: Certainly.

MR. BROWN: Thank you.

(Continued on next page.)

RECROSS EXAMINATION

BY MR. BROWN:

Q You are politician and you know Mr. Errichetti's profession, do you not?

A Yes.

Q What is his profession?

A He is the Mayor of the City of Camden and also a State Senator.

Q What party was he a member of?

A Demoratic Party.

Q Did you and he belong to the same faction of the Democratic Party?

A Yes.

Q What was that faction?

A We both were strong supporters of Senator Kennedy.

Q Now there was another gentleman's name brought out, a Congressman, which faction did he belong to?

A The other gentleman's whose name was brought up?

Q Yes.

A He was part of the same faction and he supported Senator Kennedy also.

Q And this was known publically?

A Yes.

Q By everybody?

A Yes.

Q And you told us about some of the factors that entered into your response to the FBI men when they talked to you in their role as Sheik's men.

When they talked to you about the docks and the Mafia, did you tell them that there was a problem or there was no problem?

A I told them that there was a problem, a black problem down at the waterfront.

Q What was the black problem?

A There was a Moslem problem at one time where some Moslems come in and try to take over some of the work, but the black longshoremen wouldn't stand for it and then it petered out.

Q Now, you had mentioned that to them in a conversation he had with you, is that right, the agent?

A Yes, I mentioned it.

Q Now, did any of the agents at any time ever ask you what progress that made on these problems that you brought up in the second set of meetings and by the second set I mean in January.

Did they talk to you about any progress made

with the problems discussed in August?

A No.

Q Between August and January, you testified, I believe, that you never heard from anybody at all?

A No.

Q Did Criden call you and ask you what did you do with these problems?

A No. The next time I heard from him was in January.

Q Did Criden call you and ask you what is happening with the Sheik's interests?

A No.

Q Did Errichetti call you and say,what is going on now that you have the $15,000?

A No.

Q Did Mr. Cohen or anybody we know now as Federal Agents ask you what you were doing?

A No.

Q Do you know whether or not there were any inquiries made of your administrative assistant or anybody on your staff what you were doing as to immigration matters for anybody?

A I never told anybody on my staff about anything, and nobody ever inquired anything from them.

Q You were asked many questions as to your response as to what Mr. Wald said to you, Mr.Puccio's query to you as to that period of time.

Would you turn to Page 130 of August 22nd.

A August 22nd, Mr. Brown?

Q Yes.

THE COURT: Exhibit 6-A.

MR. CACHERIS: 5-A, your Honor.

MR. BROWN: Yes, that would be the 22nd, your Honor.

THE COURT: Yes, that's the first meeting in which Mr. Myers was present.

Q If you don't have it, Mr.Myers, I will give you may page.

MR. BROWN: May I approach,your Honor, and give him the page?

THE COURT: Yes.

MR. BROWN: Then you don't have to fumble.

Q Now, in the August 22nd meeting you didn't have Mr. Wald, you had Mr. Amoroso or Tony DeVito; is that right?

A Yes, Tony DeVito and Mel Weinberg.

Q And Mel Weinberg?

A Yes.

Q Now, you haven't been asked anything Mel Weinberg said -- throughout Mr. Puccio's cross examination, he never asked you what responses you made to anything Mel Weinberg said, is that correct?

A That's right.

Q For the first time, tell the jury what Mr. Weinberg said to you about the situation you were in? He is talking to a representative of the Sheik.

A We got the goose that laid the golden egg, we all like to make a buck.

Q Did you respond to that?

A I say all right.

Q You are a tough guy from streets?

A Some people think I am.

Q What does that mean to you, we got the goose that laid the golden egg?

A He made it very clear to me he understood the same thing I understood when I was at the meeting.

(Continued on following page.)

Q Was that the theme that was set in August that persisted right on through?

A Yes.

Q On the new men, because Mr. Wald was new to you and the other gentleman was in January, did they indicate to you in the course of their conversation that they referred back to our people meaning the people from the August meeting?

A Yes.

Q Did anybody at any time tell you Mr. Weinberg didn't set the standard when he said, listen man, we got the goose that laid the Golden Egg, did anybody ever deviate from that?

A They didn't speak about Mel Weinberg at all.

MR. BROWN: Thank you.

MR. PUCCIO: I have something.

RECROSS EXAMINATION

BY MR. PUCCIO:

Q After Mr. Criden called you in January and told you that there was to be another meeting or asked you to attend another meeting, with the Sheik's representatives, did you have occasion to speak with Mayor Errichetti and seek instructions from him as to what

to do?

A No, I never spoke to Mayor Errichetti.

Q After your meeting on the 24th, you met with the Sheik's representatives on the 25th, and you spoke to them again on the 29th and the 31st, the same month, is that correct?

A Yes.

Q Before or after any of the meetings, did you speak with Mayor Errichetti to see if he had any instructions for you?

A No. I didn't speak to Mayor Errichetti at all, no sir.

Q Therefore, you received no further instructions from him, is that correct?

A I didn't know who was going to be at the first meeting.

Q After you learned and met with Mr. Wald between the 24th and the other meeting, the 25th, and conversation on the 29th and 31st, did you speak to Mayor Errichetti before or after the meeting to seek further instructions now that you had met the Sheik's new representatives?

A No.

MR. PUCCIO: Thank you, Mr. Meyers.

THE WITNESS: You're welcome, Mr. Puccio.

RECROSS EXAMINATION

BY MR. BROWN:

Q Did you need any further instructions from Mayor Errichetti to tell you what this is all about?

A No.

Q Was there ever any deviation from the Government's masquerading representatives after Weinberg told you this is the goose that lays the Golden Eggs?

A No, all this stuff that Mr. Wald talked about just did not exist. This guy created problems that were not there.

Q Errichetti had nothing to do with that?

A No.

MR. BROWN: No further questions.

THE COURT: Thank you, Mr. Meyers.

You may step down.

THE WITNESS: Thank you, your Honor.

THE COURT: It's almost one. I suggest we recess for lunch at this time. Let's try to resume at ten minutes to two. It may save us ten minutes later.

(Recess taken at this time until 1:15 P.M.)

* * *

* * *

(The jury enters the Courtroom.)

THE COURT: Ladies and gentlemen, the defendant Myers has now presented and completed his presentation as to the evidence on his case. We are now moving to the defendant Errichetti.

Yes, Mr. Brown.

MR. BROWN: Yes.

If your Honor pleases, first with your permission we would like to offer copies of the transcripts which have been made and which were played, the material that was played by us during the cross examina-

tion of Mr. Myers.

MR. PUCCIO: No objection, Judge, to putting them in the books.

MR. BROWN: It's T-1 through 11, your Honor.

If your Honor would permit us to distribute them so they can go in the backs of the books?

THE COURT: Did you say T-1 through 11?

I only had ten of them.

MR. FURST: 11 was a tape played by Mr. Ben-Veniste.

MR. PUCCIO: Was that marked as Exhibit A in evidence?

MR. FURST: January 18th.

MR. PUCCIO: May I look at this one, Judge? I wasn't given this one to check.

THE COURT: At least T-1 through T-10 are received in evidence.

MR. BROWN: May we have your permission to distribute them to the jury so they can go in their books?

THE COURT: Yes.

MR. BEN-VENISTE: Your Honor, we have T-12 through T-15. If I may hand this up to the Court?

THE COURT: Have they been played?

DEFENSE EXHIBIT T-1

EXCERPT OF TELEPHONE CONVERSATION

JUNE 16, 1979

MW Mel Weinberg

AE Angelo J. Errichetti

* * * *

MW: Alright now you know what we got to do with Pete then

AE: I know what we got to do with Pete and the other guy too

MW: Right

AE: Both of them

MW: And we'll be all set

AE: Yes sir

MW: Alright

* * * *

DEFENSE EXHIBIT T-2

EXCERPT OF TELEPHONE CONVERSATION

JUNE 20, 1979

MW Mel Weinberg

AE Angelo J. Errichetti

* * * *

MW: All right, here's what we got set up. They're flying Yassir into Washington, D. C. OK? We'll have the meeting Thursday, probably Thursday late in the afternoon.

AE: Next Thursday?

MW: Right

AE: Yeah

MW: All right? Now we'll, we'll, we're going to get him in, once we get him in a hotel at night there, he's not going to leave, we'll keep him so that nobody knows he's there.

AE: O.K.

MW: We'll register a suite of rooms in our name so for security reasons nobody has to know.

AE: I'll, I'll call Williams right now

MW: Right

AE: And tell the Senator be available Thursday afternoon

MW: Right

AE: And I'll get there early and get him settled in

MW: Yeh, I'll give you the hotel, I don't know the hotel yet

AE: I don't care yet. All I want to do is make sure its Thursday, I go there Thursday

MW: Right

AE: And I sit with him and we go over the speech before we go in there together

MW: Right

* * * *

* * * *

MW: The reason I say we should, case, cause Tony will if its strong enough get a hold of you and say, you know. Cause he knows Yassir better than anyone.

AE: OK

MW: You follow me? Huh?

AE: It's ok with me

MW: Cause, you know, he knows what he has to have in order to get the ok

AE: OK

MW: All right?

AE: What, what you have to do is get back to me to give me the proper speech. Now he knows he's got to guarantee He knows he's got to say that

MW: Right

AE: He knows he's got to say "I'm the man or this thing doesn't move or work."

MW: Right

AE: I guarantee all the contracts, guarantee it's going to be a successful...

MW: As long as he says to him "without me it don't work."

AE: OK

MW: You follow me?

AE: I told him that

MW: Yeh, he's got to come up and say "without me it don't work." As long as he says that then uh, you know, "I'm doing all that, I have to open all the doors."

* * * *

DEFENSE EXHIBIT T-3

EXCERPT OF CONVERSATION HELD AT

WASHINGTON, D.C. - JUNE 28, 1979

AE Angelo J. Errichetti

HW Senator Harrison A. Williams

MW Mel Weinberg

MW: O.K. Strictly loans. He's only interested in you. You gotta tell him how important you are, who you are, what you can do and you tell him in no uncertain terms "without me there is no deal", I'm the man. I'm the man who's gonna open the doors. I'm the man who's gonna do this and use my influence and I guarantee this." Follow me? All bullshit.

AE: (inaudible). I'm gonna be the one who's gonna

(inaudible) utilize me as a Senator

MW: Tony is, you gotta know Tony is a partner of ours. He's gonna be uh, the main thing he thinks he's gotta ask, he'll ask you.

HW: Right

MW: And when it comes to your shares, you tell him you own 18%. You put them in Alex' name. Alex is gonna endorse the back and give you a certificate back.

AE: (inaudible)

MW: When you leave the Senate, whatever time you leave, you put your name, your're the owner. O.K.?

HW: Yeah

MW: And that's it, it goes not further, its all talk, all bullshit. Nobody wants to hear it. He's not gonna open his mouth. He speaks bad English and he's ashamed of how he speaks.

HW: But he understands.

MW: Oh, he understands perfectly. He has been trying and double trying. Its a walk-through. You should be out of there in twenty minutes.

HW: What doe he know about the property? Does he...

MW: Don't say nothing. He's not interested, he's interested in you. We're getting the money because of you.

HW: Uh hum.

MW: Alright?

AE: And we'll produce

MW: You gotta just, play and blow your horn. The louder you b low and mention names, who you control.

* * * *

* * * *

HW: For twenty minutes.

MW: For twenty minutes with you. Alright. So, you gotta take the position, you're the boss. Alright?

AE: Period

MW: Come on, me I'm the power. And that's it. Its as simple as that. You're on stage for twenty minutes.

* * * *

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DEFENSE EXHIBIT T-4

EXCERPT OF TELEPHONE CONVERSATION

JULY 29, 1979

AE Angelo J. Errichetti

MW Mel Weinberg

* * * *

AE: When you coming up?

MW: Well, we'll be up, if you get us up by, say, the sixth, we'll come up that weekend, next weekend

AE: For...ah...a couple of those things

MW: Yeah, and we'll take care of everything at one time. We'll be up there for a couple of weeks then.

AE: Ok. How many can you handle?

MW: As many as you can give me

AE: Ok

MW: Alright?

AE: Right

MW: As many as you can give me, I can handle

AE: Ok

MW: Cause that's number one priority with him

AE: Well

MW: Specially after they came out with that Samonoa thing.

AE: Well, there's a couple of Congressmen, I think we can work these things...at least, ah...may... could be five or six of them.

MW: Beautiful

AE: Alright?

MW: Ok

AE: And plus this fellow from the...the Naturalization Department.

MW: Alright

AE: That could be the key one. That could be the biggest one

MW: Beaut....that'd be marvelous

AE: Cause that guy will say it right in front, as I'm told

MW: Alright

AE: That, "Yes, I will guarantee"...you know, that kind of shit

MW: Okie doke

AE: Alright?

* * * *

DEFENSE EXHIBIT T-6

EXCERPT OF TELEPHONE CONVERSATION

SEPTEMBER 2, 1979

AE Angelo J. Errichetti

MW Mel Weinberg

* * * *

AE: I was in Washington Friday. I spent most of the day in Washington. I had to go there to meet with the Deputy to Jack Rothman (ph). The guy's name is Steve (ph) Kirsenbaum (ph) and while I was there I went to see a couple of my friends at the Bureau of Immigration and Naturalization. I think I got, you know... I did very well, I think in regards to green cards and whatever have you. And I have another meeting with him. He's going to come to see me, I think, maybe Thursday or Firday this week, coming to give me the right guy because I don't want no bull-shit, you know.

MW: Right

AE: The guy I know is not the guy that signs the papers you follow me?

MW: Right

AE: The guy I know is an investigator. He goes out and makes sure that everything is done.

MW: UH-Huh

AE: ...because him and the other guy which I'll be meeting next week is the key people

MW: Alrightie.

* * * *

DEFENSE EXHIBIT T-7

EXCERPT OF TELEPHONE CONVERSATION

SEPTEMBER 5, 1979

MW Mel Weinberg

AE Angelo J. Errichetti

67-211 O - 80 - 119

* * * *

AE: Hi Mel

MW: Yeah. (IA) called back on those green cards right?

AE: Yeah

MW: Now what do they do supply the green cards or just let the people in the country?

AE: Supply the cards!

MW: Right!

AE: They get the application.

MW: Right.

AE: It's all filled out. (IA) job specialized job (IA)

MW: Right.

AE: (IA)

MW. Follow you.

AE: Then the application goes to the guy that I know. (IA)

MW: Right.

AE: (IA)

MW: Right.

AE: (IA) gives it to boss. (IA)

MW: Right.

AE: (IA)

MW: How long would it take? Any idea?

AE: (IA)

MW: Alright

AE: (IA) application (IA) fill it out (IA)

* * * *

* * * *

MW: And uh, one o'clock is the meeting, the first one Monday. Then, ah, what time, time you wanta make it for Wednesday with the , er, Congressman?

AE: Well, I, I talked to him briefly.

MW: Yeah

AE: I told him about, you know, eh, a wet closing and a dry closing Wednesday and Friday.

MW: Right.

AE: He says I'm jammed up, he says why can't we make it one day where I go up a little early and your good friend can give me the script and I can do that you know. He said, you know, I prefer to go one day Wednesday or Friday whatever you want and I come up early so that we could meet, you know, privately like we're supposed to and go over the whole thing so that I can understand what has to be done and I'll do it.

MW: Eh, heh

AE: Is that possible?

MW: Ah, let me see if I can arrange it.

AE: Alright.

MW: Alright.

AE: OK

MW: Make it Wednesday then.

AE: Whatever, you know

MW: OK

AE: Whatever you want to do. He has no problem coming up like nine o'clock in the morning and then sitting down with you, and I, and you know going over the whole thing and then like one o'clock go through with it, you know, whatever.

MW: Right

DEFENSE EXHIBIT T-8

EXCERPT OF MEETING

SEPTEMBER 12, 1979

MW Mel Weinberg

AE Angelo J. Errichetti

* * * *

MW: Yeah, Because this way I make arrangements for the hotel rooms now, get everything set up. Ah, who's the next guy after, do you know yet?

AE: It could be that immigration guy.

MW: Yeah

. . . (IA) . . .

AE: The guy's ready as I'm told by my guy, okay?

MW: Now what's his name?

AE: Top guy, I don't know.

MW: Oh you don't know his name.

AE: My guy is Torrentini . . . (IA) . . .

MW: Your guy is what?

AE: Torrentini.

MW: Torratini?

AE: Torrentini.

MW: Tor . . . and what is his position there?

AE: Chief Investigator.

MW: Chief Investigator that's a good position.

* * * *

DEFENSE EXHIBIT T-9

EXCERPT OF TELEPHONE CONVERSATION

SEPTEMBER 14, 1979

AE Angelo J. Errichetti

MW Mel Weinberg

AE: ... Commissioner

MW: Commissioner.

AE: Of Naturalization.

MW: Of Naturalization.

AE: And Immigration.

MW: And Immigration.

AE: His name is Mario.

MW. Mario.

AE: T as in Tom

MW: T

AE: Nopo, Nopo, N - o - p - o.

MW: N - o - p - o?

AE: Nopo.

MW: Nopo.

AE: That's it.

MW: Alrighty.

* * * *

DEFENSE EXHIBIT T-10

EXCERPT OF TELEPHONE CONVERSATION

SEPTEMBER 18, 1979

AE Angelo J. Errichetti

MW Mel Weinberg

MW: Right.

AE: OK. And he called me back about 10 minutes ago and said he feels that I have to meet him in his office around 11-11:15 which I will.

MW: All right.

AE: Then bring it right over to your place.

MW: OK.

AE: Cause he, he, the best time for him is between lunch time.

MW: All right.

AE: So I figured around noon time.

MW: Right.

AE: OK?

MW: OK.

AE: Uh, what time ya think we should get the hell outta there?

MW: Well, we should, how long should it take?

AE: How long should it take? Um, ya know I don't know what Tony's gonna do.

MW: It won't take long.

AE: Cause with me, it would be 5 minutes ya know.

MW: All right, so figure 15-20 minutes.

AE: OK.

MW: Now you able to shoot down to Florida or what?

AE: What I'm gonna do so you know is Joey's gonna drive me down.

MW: Yeah

AE: I should leave here around 8-8:30, go right to right to, to the immigration office.

MW: Right.

AE: And I'll chat with him, first get ground rules down with what he's expected to do.

MW: Right.

AE: OK. Become his friend naturally.

MW: Right.

AE: And then put him in the car, Joey'll drive us over to your place.

MW: Right.

AE: Oh, when we get all finished I'll say Joey take him back to his office and you go home, goodbye and Joey'll take him to his office and Joey'll go home and I'll stay with you and we go to Florida.

* * * *

MR. BEN-VENISTE: They have been testified to, your Honor.

These are in the Brady material.

MR. PUCCIO: Judge, as I understand, counsel wishes to distribute the books and then distribute this last insert which I have no objection to, and then ask the jury to read these before we continue.

THE COURT: I thought they had already been played.

MR. PUCCIO: I thought so, too.

MR. FURST: Yes, your Honor. But the jury did not have the benefit of the transcript at that time.

THE COURT: What do you propose to do now? Take time to read them?

MR. FURST: Yes.

THE COURT: 15 Exhibits?

MR. FURST: Just 10, your Honor.

THE COURT: Mr. Ben-Veniste is right on your heels with five more.

MR. BEN-VENISTE: That's true, your Honor, except they are three more.

MR. PUCCIO: With respect to the first ten, your Honor, I have no objection to them going into

evidence. I do think we should move ahead with the witnesses and they should be read at another time. With the others we have just received now I would like to study them and make sure we agree with the transcript.

THE COURT: All right. 1 through 10 are received in evidence. I will not take half the afternoon to get them read. If you gentlemen want to stop now and start discussing the charge, I will let the jury take them into the jury room and read it.

MR. BROWN: No, your Honor.We would like to proceed expeditiously. As soon as he has distributed them, I will call the witness.

MR. BEN-VENISTE: May I inquire, your Honor, of Mr. Puccio whether that Ellis Cook, Mario Noco transcript has been supplied in the jury's books? Mr. Puccio was promising to review that.

MR. PUCCIO: Yes. It has been done, Judge, but I will see to it that it is in the books. But I didn't understand the practice was to add something to the books and to have the jury read it.

THE COURT: What is the Exhibit number?

MR. PUCCIO: It hasn't been given one yet,

as I recall. We did play the Cook meeting. I think the defense played the Cook meeting,number one. And let me clarify that. The defense played the first meeting which was attended by Mr. Cook, Mr. Weinberg and Mr. Amoroso. We have no objection to playing that, your Honor, and furnishing it. But I didn't think the procedure was that it would be read. I felt the transcripts are only a guide.

THE COURT: The tapes that were played, which now have transcripts available to them, the transcripts are in evidence. They may be consulted by the jury. If you want to arrange, if anyone wants to arrange them to read any particular transcripts, I will provide the time for them to do it.

MR. BEN-VENISTE: Thank you, your Honor.

THE COURT: I will not disrupt other work that we have to do here.

MR. PUCCIO: I think there is some sort of problem.

JUROR NO. 2: This stops with 10-A?

THE COURT: That would be a likely place to put it if you have room for it.

MR. PUCCIO: It can also go in the end of the book, Judge.

THE COURT: They have given you the books through 10-A, I believe.

Do they fit it?

MR. PUCCIO: They should.

MR. BEN-VENISTE: Your Honor, with respect to the December 19th conversation for which there is a transcript, we ask that it be marked T-13.

MR. PUCCIO: No objection, Judge.

THE COURT: T-13 received in evidence.

MR. BEN-VENISTE: Can those be circulated?

MR. PUCCIO: They are not here now. We can bring them down at an appropriate time and have them put in.

MR. BEN-VENISTE: During this afternoon's break?

THE COURT: All right.

MR. PUCCIO: Yes.

T-11 and T-12 we still want to look at.

THE COURT: All right.

All right, Mr. Brown. Are you ready to proceed?

JUROR NO. 3: Wait.

THE COURT: Somebody is missing something?

JUROR NO. 2: No. They are hard to get in.

Yes, Mr. Brown.

MR. BROWN: Yes, sir.

I call Mr. DiLorenzo, please.

(Continued on next page.)

J O S E P H D I L O R E N Z O, a witness called herein, was sworn by the Clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Would you give your full name?

A Joseph Di Lorenzo.

Q Where do you live?

A 10 North 35th Street, Longport, New Jersey.

Q Are you related to the defendant Mayor Errichetti?

A Yes.

Q What is your relationship?

A My uncle.

Q How old are you?

A Twenty-four.

Q What is your education?

A I attended the University of Rutgers, I'm enrolled in Thomas Edison College, attended Bradywine Junior College in Delaware for awhile.

Q Aside from your schooling, would you tell us what employment you have had?

A In the past four years, I was employed by the City of Camden. In 1975, first with the Department of

Community Developement as a research aide, and later in 1979 as administrator of energy where I furthered my education at the University of Pennsylvania specifically for the job.

Q Were you a supervisor in that particular department?

A Yes.

Q Did you acquire that virtually through your Uncle appointing you to the job?

A No, Martin McKernan, the city attorney at the time, also responsible for the Bureau of Energy, had shown interest in me because of the -- my previous boss Thomas Corcoran, based on Thomas Corcoran's recommendation, I was appointed city administrator of energy to Martin McKernan.

Q You did so under your uncle at his pleasure?

A Yes.

Q As a result of your association with your uncle, did you in January of 1979 carry out any particular chore for your uncle?

A Yes. I drove my uncle on occasion when he would ask me.

Q How often would you drive him?

A Many time. I really don't know how many

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times.

Q Did you at his insistence make any purchases along with anyone else in January of 1979?

A I did, in January of 1979 myself, along with Mrs. Anise --

Q Who was that?

A Secretary to the Mayor.

We purchased a microwave oven and dishes from Strawbridge and Clothier in Cherry Hill, New Jersey.

Q How did you come to make that purchase?

A Mrs. Anise asked me to go with her. She knew she couldn't handle the size of the microwave oven and asked me go to along and I did.

Q Who ordered the purchase?

A The Mayor ordered the purchase.

Q Did you come to know the person who was to receive this purchase?

MR. PUCCIO: I object to that.

THE COURT: Sustaine.

Q What did you do, would you tell us what you did in order to obtain --

A It was my understanding through Mrs. Anise --

MR. PUCCIO: I object.

THE COURT: Sustained.

Q Where did you go to purchase this?

A Strawbridge and Clothier in Cherry Hill.

Q And after the purchase, did you do anything with the items?

A Yes.

Q What did you do?

A Myself, alone with the Mayor, drove to Long Island, a Holiday Inn, I believe Exit 55, I'm not sure, where at that time I put the microwave and dishes into Mel Weinberg's van.

Q How did you know it was his van?

A I met him on previous occasions. He told me that it was a company van, Abdul Industries Van.

Q Did it have any markings on it?

A No.

Q Could you describe it?

A A passenber van, tan and brown.

Q Could you describe the meeting and tell us in detail what happened when you arrived at the place you described?

A There really wasn't much of a meeting. It was out in a parking lot, Mel met myself and my uncle and he opened up the back of the van -- the side of the van, excuse me -- and I pulled around with the car and took

out the microwave and beta max and placed it in the van.

Q Can you describe what it was, microwave and what?

A I said beta max, I'm sorry.

Q Was it just the microwave?

A And dishes.

Q Were they in the original package?

A Yes.

Q When you put them in the gentleman's van, did he say anything to you?

A Thank you.

Q Thank you?

A Yes.

Q Now, did there come another occasion in March of 1979 when you had an occasion to make a particular purchase?

A Yes, there was.

Q Would you tell us when that was and how it came about?

A Either late February or early March when I was told by the Mayor to purchase a beta max T.V. recorder.

Q Did he tell you why he wanted you to get --

A Yes.

A Yes.

Q What did he say to you?

A He told me it was --

MR. PUCCIO: I object.

MR. BROWN: To what Errichetti said?

THE COURT: Overruled.

Q Would you tell us what the man said with respect to this?

A The gift was for the Sheik and that Mel would handle delivery of the gift to the Sheik.

Q What did you do with respect to that request from the Mayor?

A I went out and purchased a beta max.

Q Where did you go?

A Best Products in Morristown, New Jersey.

Q I show you Defendant's Exhibit Y and ask if this Exhibit has anything to do with the purchase?

A This is a copy of the receipt for the beta max that I purchased from Best Products.

Q How much did you pay for that?

A Total, including taxes, $939.61.

Q On this occasion, the conversation with the Mayor, what did he tell you with respect to Mr. Weinberg's request?

A He specified it had to be a four-hour tape and had to be an RCA tape.

I searched around a few different places. I know a friend of mine who works across the street at Wanamaker in Morristown, New Jersey, and she told me if I had found anything in there she would allow me to use her discount to purchase it. But it was cheaper at Best Products.

They didn't have one in stock so that the one I purchased was a floor model.

Q After you purchased it, what did you do with it?

A The next day, myself, along with my girlfriend --

Q What is her name?

A Debra Pricacci(ph) drove to La Guardia Airport to meet Mel Weinberg where we arrived, I guess early afternoon, and I was to meet Mel within the Ionosphere Lounge out at La Guardia Airport.

Q What is your -- was your girlfriend with you in the car?

A Yes.

Q You had with you the beta max you described?

A Yes.

Q What did you do after you arrived at La Guardia?

A I checked in the Lounge and Mr. Weinberg was not there. He arrived shortly thereafter, maybe 10 or 15 minutes later.

Q Can you describe his vehicle?

A He had a silver mark, Lincoln Continental Mark.

Q Was anyone with Mr. Weinberg?

A His sister-in-law or sister, I am not sure who. The name was Marie. His son, Junior, and a dog.

Q What kind of a dog?

A I believe it was a poodle.

Q When he arrived, what then happened?

A When he arrived, he met me outside of the lounge. I told him that I had the gift in the back of the car and we proceeded to the parking lot right outside the lounge where he drove his car to the car I was driving and proceeded to take the object out and place it in his car.

Q Was this young lady with you during that time?

A Yes.

Q Could you describe Mr. Weinberg for us as of that time when you say this occurred at La Guardia in March of '79?

A Mr. Weinberg is the same gentleman I saw testify here last week as Mel Weinberg. He didn't have a beard at that time and was a little bit heavier.

Q You're sure it was Mr. Weinberg?

A Yes.

Q Did there come another occasion in March when -- I beg your pardon, in April, when you made another purchase?

A Yes.

Q How could it happen that you made this particular purchase?

A Well, the Mayor had a picture of a stereo component set that he had received from Mel Weinberg. It was from a New York Times Magazine article.

It was a gold component, I think in the neighborhood of $3,000. He said that I should go and purchase something similar to that stereo although he could not afford something that elaborate.

Q How did you know it was $3,000?

A It had at the bottom of the page, could be bought at Sam Goody's for $3,000.

Q Did he tell you why he was making the purchase?

A It was my understanding the gift was for

again, for the Sheik.

Q Did he tell you who had made the request for the --

A Mel Weinberg.

Q Did he tell you who specified the $3,000?

A Mel Weinberg.

Q Did you as a result of those conversations do anything?

A Yes, I did.

I first took the picture and made a phone call to a friend of mine, George Norcross, and asked him if he had known or knew anybody in the audio business who could help us out maybe get a stereo at a decent price.

He said he had a friend. And we went to Hi-Fi House in Cherry Hill, New Jersey, Church Road and Haddenfield Road, I believe.

Q What happened? . . . --

A I purchased a stereo system similar to the one in the picture except it was for approximately $1,200.

MR. BROWN: May I use this just to clip these together?

THE COURT: Yes.

(Pause.)

Q Mr. Di Lorenzo, I show you Defendant's

Exhibit Z and ask you if that describes anything you are familiar with?

A This is a copy of the stereo that I purchased.

Q Is that the one you actually purchased?

A This is the set that I actually purchased.

Q Four pages -- what do they depict?

A The first --

Q Three pages.

A Genesis Three, Harmon Cardon Receiver and you can't see it but there is a picture of a vertical box that all the objects fit into. That was also purchased.

Q That is an actual photograph of the items purchased?

A Yes.

MR. BROWN: May I offer those two items in evidence?

The two, meaning the receipt —

MR. PUCCIO: May I inquire?

THE COURT: Yes, on the Voir Dire.

VOIR DIRE EXAMINATION

BY MR. PUCCIO:

Q Mr. Di Lorenzo, is Exhibit Z the exact document you received from Mayor Errichetti or a photocopy?

A That is a copy of the stereo that I purchased.

What the Mayor gave me was a copy, a photograph, from the New York Times.

Q Do you have that with you?

A No.

Q Where is that?

A I don't have it. I don't know where that would be. I had no reason to keep it.

Q When did you obtain Exhibit Z?

A Which one is Exhibit Z?

Q This one (indicating.)

A The day I purchased the stereo I made a copy of it.

Q Is this the copy you made the day you purchased the stereo?

A That is a copy of it that I bought.

Q Was this made in connection with your testimony here today or --

A That was -- I had that for quite some time.

Q This exact exhibit?

A Actually, Mrs. Anise had it.

MR. PUCCIO: I have no objection, Judge.

THE COURT: Y and Z received in evidence.

MR. PUCCIO: I have no objection to the other one.

MR. BROWN: May I show the jury Exhibit Z while I continue my interrogation, Judge?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. BROWN: (Continued.)

Q After you made the purchase which is depicted in Z, which the Jury is examining, did you do anything with that purchase?

A Yes, the stereo was in the Mayor's car. A few boxes, very bulky. I proceeded to drive again to the Holiday Inn, Exit 55, I believe, where I met Mel Weinberg who had had his brother-in-law's pick-up truck.

Q How do you know that?

A He told me it was. He told me at that point that he was taking the stereo directly to the airport and shipping it overseas to the Sheik.

I also delivered it to him, a letter from the Mayor that said Happy Birthday Sheik.

Q What was the occasion for the gift?

A I believe it was the Sheik's birthday.

Q I show you Defendant's Exhibit F and ask you if you can identify that?

A Yes, looks like the copy.

Q Copy of what?

A The letter that I gave to Mr. Weinberg.

Q And copy of a letter you gave to Mel Weinberg at the time you delivered the Exhibit being shown to the jury?

A The reason why I say it looks like the copy, I -- the letter was in a sealed envelope and I gave it to Mr. Weinberg. I had seen it on Martin McKernan's desk.

Q From the letter and all that you were told, what was the occasion for the gift?

A The Sheik's birthday.

Q You said Mr. Weinberg told you something about shipping overseas?

A Yes, he was hinting to me it was going to cost about $300 for shipping fees. He didn't know if he had it.

Q By the way, how much did you pay for this unit, Exhibit Z?

A I believe it was in the neighborhood of $1,200. I'm really not sure.

Q Now, do you recall in the summer of 1979 the late summer of 1979, whether or not there was another occasion when you purchased and delivered a gift?

A Yes, there was. This time the Mayor asked me to purchase for him three T.V. sets, supposed to be

22-inch Sonys.

And, again, I called George Norcross.

Q Who did he tell you to purchase them from?

A It was my understanding from what the Mayor told me it was for the Sheik's Board of Directors.

Q How many were to be purchased?

A Three.

Q What brand?

A Sony.

Q What size?

A Supposed to be 22 inch.

When we found out the price of the 22 inch, the Mayor said it was too expensive, so I purchased three, 17 inch Sonys.

Q Approximately how much did you pay for those?

A I would say $1,000, in that neighborhood.

Q After you purchased the three Sonys, what did you do with them?

A The Mayor was meeting Mel Weinberg at the Hyatt-House in Cherry Hill, at that time.

Tony Di Vito and Bruce Bradley were also there at that time.

Q Did you know who Mr. Bradley was?

A Yes, Mr. Bradley was Abdul Industries'

chauffeur.

Q You didn't know him in any other way?

A No, sir.

Q You certainly didn't know he was an F.B.I. man?

A No.

Q What did you do with the T.V.'s exactly?

A Well, I saw Mel in the lobby of the Hyatt-House.

Q Where?

A Cherry Hill, New Jersey.

Q And?

A He handed me -- I told him I had the T.V.'s in the car. He handed me the keys to the van and told me to place the T.V.'s inside the van, which I did.

I pulled the Mayor's car around the back of thh Hyatt House next to the van.

Q Was there any conversation on this occasion whether or not the Sony T.V.'s were for the Sheik or --

A It's my understanding supposed to be for the Sheik's Board of Directors.

Q Of Abdul?

A Yes.

Q Was that the last of the gifts you delivered?

A I believe so.

MR. BROWN: I have no further examination, I would like to move in the letter, a copy of which I have shown to Mr. Puccio.

MR. PUCCIO: Can I incorporate my Voir Dire into my cross examination on that matter?

MR. BROWN: I have no objection.

THE COURT: Mr. Duffy, any questions?

MR. DUFFY: Can't think of any.

THE COURT: Mr. Ben-Veniste?

MR. BROWN: I have one question, may I?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. BROWN: (Continuing.)

Q Was there ever an occasion when you delivered a gift or gifts when Mr. Weinberg said anything about whether you should say anything to anybody or not?

A The final time I delivered the T.V. sets, he specifically asked me not to mention anything to Tony and Bruce.

Q Tony and Bruce?

A Yes.

Q Who were they?

A Tony De Vito and Bruce Bradley.

Q Had you chauffeurred any members of Mr. Weinberg's family, on any occasions?

A Yes. One time last summer, I believe it was in June -- I don't know the exact date -- I got in an accident that day. I'm sure you can find --

Q You were in an accident that day?

A Yes. The Mayor met with Mel Weinberg and at that time Mel asked me to take his mother in law, father in law, and his wife over to INdependence Hall. They wanted to see the Liberty Bell.

Q You took them for the day?

A Yes.

Q There was only the one occasion when he told you just don't tell Tony?

A Yes.

Q Who did you identify Tony to be?

A Tony De Vito.

MR. BROWN: No further questions.

MR. BEN-VENISTE: NO examination.

MR. CACHERIS: No.

THE COURT: Mr. Puccio?

MR. PUCCIO: Yes, I have a few questions.

CROSS EXAMINATION

BY MR. PUCCIO:

MR. PUCCIO: Mr. Brown, is this yours?

MR. BROWN: I thought I might be back there in a moment.

Q Mr. Di Lorenzo, Mayor Errichetti made you the director of Energy for the City of Camden, is that correct?

A Administrator of Energy, that is correct.

Q And was that based upon your experience in the field of energy?

A Well, at that time, 1977, in the entire state of New Jersey there wasn't any municipal energy bureau. This was the first of its kind in the State of New Jersey.

Q How old were you when you became the Administrator of Energy for the City of Camden?

A January, 1979, I became -- that would make me 23 years old.

Q How old were you at that time?

A Twenty-three. A Twenty-three.

Q For how long a period of time did you hold the position of Administrator of Energy?

A Up until March, 1980.

Q Now, for the year 1979, you actually occupied the position of chauffeur to the City of Camden, is that correct?

A No, sir.

Q Was it part of your duties as the administrator of energy to chauffeur Mr. Errichetti wherever he wanted to go?

A No.

Q Did you, in fact, while on the City payroll as administrator of energy, chauffeur Mr. Errichetti to various places throughout New York, New Jersey, Washington D.C., and other places?

A No. The requirement for any City employee is to work 30 hours a week which I did. Whenever I drive the Mayor, I pick the Mayor up 7:30 in the morning and hardly go home until eight or nine o'clock at night.

My boss, Thomas Corcoran, was aware of the fact I was driving the Mayor and was satisfied with the work I had been doing and allowed me to do so.

Also, one point I would like to make, last year the Mayor became very ill and Tom Corcoran, who is a very good friend of the Mayor --

Q What is his title, Tom Corcoran?

A The Director of the Department of Utilities.

Q You worked for him as the administrator of the Department of Energy?

A I was a bureau head.

Q The duties of the administrator of the Department of Energy did not include this chauffeurring job?

A No.

Q I assume you did the chauffeurring for the Mayor during normal business hours of the Mayor and yourself?

A It's possible.

Q It's true.

A I put in my 30 hours, whether I worked Saturday or Sundays, I had an agreement with my boss.

Q You feel a tremendous amount of loyalty to Mayor Errichetti, is that correct?

A Yes, sir, I love my uncle.

Q Isn't it so that the Mayor demands loyalty from everyone from whom he's associated?

MR. BROWN: I Object.

THE COURT: Sustained. Irrelevant.

Q Now, you made during the year 1979 many trips to Long Island, New York, is that correct?

A Yes.

Q That was all in connection with Mayor Errichetti --

MR. BROWN: I Object to this. I request a Side Bar at your discretion.

THE COURT: Not yet.

Let's see what the question is.

Q These trips to Long Island were in connection with Mayor Errichetti's business with Mr. Weinberg and Mr. Amoroso and Abdul Enterprises, is that correct?

A Yes.

Q Were you aware of the specific nature of these individual trips that you took?

A Not really, no.

Q Is it a fact that Mayor Errichetti would advise you of the details of these trips, the purpose of these trips?

A He would not.

Q Now, you testified before the Grand Jury, is that correct?

A Yes,sir.

Q ON two separate occasions, is that correct?

A Yes, sir.

Q You testified on the 27th of March this year and April 9th of this year?

A Yes.

Q You were asked about trips you took to Long Island, is that correct?

A Yes, sir.

Q And, you in fact furnished a list of trips that you made, is that correct?

MR. BROWN: I Object and I request a Sidc Bar.

MR. DUFFY: I object. This examination is beyond the scope --

THE COURT: I am not sure where he is going.

MR. BROWN: That is why I asked --

THE COURT: Is this impeachment?

MR. PUCCIO: Yes. I would like, specifically, to address the meeting, the testimony concerning the alleged meeting with Weinberg.

THE COURT: The witness testified to that on direct?

MR. PUCCIO: Yes.

MR. BROWN: I have no objection.

(Continued on following page.)

Q Now, vyou recall supplying the grand jury with a handwritten document setting forth trips that you took?

A You mean that i remember offhand, yes.

Q And anywhere on that document that you supplied to the grand jury, did you make mention of these trips that you allegedly had to New York in connection with meetings with Weinberg?

A As far as the gifts?

Q Yes.

A No. They are not, no.

Q And at any time during the two appearances before the grand jury did you make any mention --

A No, I did not.

Q -- did you make any mention of these gifts?

A No, I did not.

Could I add one thing to that, sir?

Q Yes.

Go ahead.

A I did speak with the FBI about these gifts on another occasion.

Q And that was after these appearances before the grand jury. Is that right?

A Yes.

Q And when was it that you spoke to the FBI agent about these gifts?

A It was in June 1980.

Q And was that after or before the date the indictment was returned in this case?

A I am not sure.

Q Now, you indicated that you made purchases on behalf of Mayor Errichetti in January, in March, in April and in the late summer of 1979; is that correct?

A Yes.

Q And were these purchases made by check or were they in cash?

A They were in cash.

Q And where did you receive the cash to make these purchases?

A Usually from Mrs. Annise, and any change that I had and went back to Mrs. Annise.

Q So when you went out and bought a Genesis 3 stereo, you used cash for that, is that correct?

A Yes.

Q And if you know, is that Mrs. Annise's money?

A I have no idea.

Q She is the mayor's secretary and you would not assume it was her money, is that right?

A She is the mayor's secretary.

Q Now, on any occasion did you use a check to purchase any of this equipment?

A Any of the equipment that was testified to?

Q Yes.

A No.

Q Did you -- now, vyou drove Mayor Errichetti to New York on August 22, 1979; is that correct?

A Yes. I believe so.

MR. BROWN: I have an objection, your Honor, and ask for side bar with rspect to that being beyond the range of the direct, if you please, sir.

THE COURT: Let me hear the question, please.

(Record read.)

MR. BROWN: That is the ground of my objection, your Honor.

THE COURT: Overruled.

Q Now, where did you leave from, Mr. DiLorenzo?

A Probably from the city.

Q The City of Camden?

A Yes.

Q And you picked up the mayor at his office?

A I don't know whether he left from his office

or his house.

I am not really sure.

Q About what time of day did you leave Camden?

A I don't really remember.

Q I am sorry, I don't hear you.

MR. BROWN: May we ask the witness to speak up, if your Honor please, through you?

THE COURT: Yes.

Please speak up so everybody can hear ou.

THE WITNESS: I don't remember what time it was.

Q And did Mayor Errichetti tell you what the purpose of this trip to New York was?

A No, he didn't.

Q And you drove him from Camden, New Jersey to where in New York?

A I believe this occawsion was the International Hotel.

Q Well, prior to that did you drive him to the Pan American Terminal at Kennedy Airport?

A Yes.

Q And whom did you meet with when you arrived?

A Well, when I drove to thePan Am Airline I parked illegally outside. I believe I met Mr.

Criden and his son.

I stayed outside with his son, Michael that day.

Q Well, did you know that Mayor Errichetti was to meet on that day with Congressman Myers?

A No.

Prior to that time, no, sir.

Q Well, there came a time on that date when you observed Congressman Myers, is that correct?

A I am not really sure of whether I met Congressman Myers on that day or not, sir.

Q Do you see Congressman Myers sitting in the courtroom today,sir?

A I understand --

Q Have you seen him before ever?

A I am not sure and I'll explain why I said that.

The Congressman and I are neighbors around the shore. He lives around the corner from me, maybe ten houses away. And I have been in Longport, New Jersey for nine years. And I didn't know who he was or that he was my neighbor until about a month or so ago when one of my other neighbors told me that.

So I would have thought if I would have

met hikm on that occasion I would have recognized him at another time, at other times, so I am not really sure whether I met the congressman on that date or not.

Q When you arrived at the Pan American Terminal what happened?

A I walked into Pan Am Airlines with the mayor and I believe we met up with Mr. Criden.

I then walked back out to the car because my car was parked illegally and so was Mr. Criden's.

Q And then what happened?

A I stayed outside in the car waiting for the mayor and drove to the International Hotel.

Q And who did you drive to the International Hotel with?

A I don't remember driving anyone.

Q Just the mayor?

A Yes.

Q And what happened when you arrived at the International Hotel?

A I dropped the mayor off at the hotel.

I parked the car.

Q And what did you do after you parked the car?

A I probably sat in the lobby and did some

work.

Q And about what time of day was this when you arrived at the InternationalHotel?

A I am not really sure. It was daytime. It was light outside and it was very hot.

Q And at the International Hotel did you see Congressman Myers?

A I am not sure, sir.

Q Where was Mr. Criden at this time?

A I don't know.

Q Did you see Mr. Johanson on that day?

A I can't say for sure, no, sir.

Q Now, did there come a time when you arrived at the International Hotel that you saw Congressman Myers?

A To say I saw Congressman Myers on that day, sir, it would be erroneous on my part.

Q And about how long -- well, did you know that Mayhor Errichetti went to a meeting with Tony and Mel?

MR. BROWN: I object, your Honor.

THE COURT: What ground?

MR. BROWN: He already said he has no knowledge of these events. It's been asked and

answered, if your Honor please, with respect to a meeting or anything else at that time.

THE COURT: Overruled.

MR. BEN-VENISTE: I'll object to it on the basis of relevance. The participants at the meeting are not being contested.

THE COURT: Overruled.

Q Did you know that Mayor Errichetti met with Tonyc and Mel on that day?

A I didn't knowwhere the mayor was.

Q Did there come a time when you saw the mayor go upstairs to a hotel room?

A I dropped the mayor off and just walked into the lobby.

Q And did you see the mayor get into the elevator?

A No. I dropped him off.

Q Now, about how long was it before you rejoined the mayor?

A I can't say for sure. I really don't know. I saw in the lobby for awhile. I don't know what the duration was.

MR. PUCCIO: May I have a moment, your Honor?

THE COURT: Yes.

(Pause.)

Q Now, did you testify before the grand jury as follows on the 27th of March, 1980?

"Question: Did you take a trip to a Pan Am Terminal at Kennedy Airport in August 1979 when Mayor Errichetti met some other people and Mr. Criden?

"Answer: Yes, Mr. Criden.

"Question: And a Mr. Johanson?

"Answer: Yes, sir, okay.

"Question: And a congressman Ozzie Myers?

"Answer: Yes, right, yes."

Do you remember giving those answers to those questions to the grand jury?

A I do, sir.

And in June of this year I wrote a letter to my lawyer, Mr. Karpopularis, telling hikm to please explain it to you that there was a possibility that I might have been erroneous in my statement on that day.

Q Well, erroneous in what respect?

A I am not sure whether or not I met Mr. Myers.

Q Well, when Mr. Errichetti met up with you

again, at the Travelodge Motel, did he have in his possession a package of any kind?

A Not that I remember, sir, no. When I met with him again I believe he told me to just go out and wait in the car for him.

Q Did he tell you what you were to wait in the car for?

A No. I just went outside and waited for him.

Q Did you see a package in anyone's possession?

A No.

Q Now, you went out and waited in the car, is that right?

A Yes.

Q And did there come a time when Mayor Errichetti came out again?

A Yes.

Q And was he alone?

A I believe so, yes.

Q And where did you go after that?

A I am not really sure, sir. Iam not sure.

Q Going back to the Pan American Terminal to meet with Mr. Criden?

A It's possible, but I really don't remember.

Q Mr. DiLorenzo, did anyone on that day give you an envelope or a package containing money to hold?

A No. Not that Iremembver, No, sir.

Q Are you absolutely certain of that?

A Yes.

I don't remember a package.

Q Did anyone on that day give you a package --

MR. BROWN: Asked and answered.

Q -- whether or not --

MR. BROWN: If your Honor please, I have an objection based on the fact that he asked the question twice and it's been answered twice, if your Honor please.

MR. PUCCIO: Your Honor, if I may --

THE COURT: Overruled.

Q Did anyone on that day give you a package of any kind to hold, whether or not you knew what was in it, Mr. DiLorenzo?

A I don't remember, sir.

Q Are you saying that it may have happened?

A Anybody could have given me anything, but I don't remember.

Q Now, when in the late summer of 1979 did you meet with Mr. Weinberg concerning these TV sets?

A It was at the Hyatt House in Cherry Hill, New Jersey.

Q And was that in August, September?

A I really don't know. It was very hot outside and I don't know exactly when it was.

I only know that Mr. DeVito and Mr. Bradley were there at that time also.

Q Can you fix a date any better than late summer, 1979?

A I really can't.

Q And was that before or after this trip to Kennedy Airport on August 22nd?

A I don't know. I don't remember.

Q Well, do you have the receipt for the purchase of those TV sets?

A Do I, sir? No, I don't.

Q Have you made any checks to see if such a receipt exists?

A No, I haven't.

Q Did you pay for those in cash?

A Yes.

Q Cash that Mrs. Annise gave you?

A Yes.

Q And you said you put these TV sets in Mel

Weinberg's van? Is that right?

A Yes.

Q And you had seen this van before; is that correct?

A Yes.

MR. PUCCIO: May I approach the witness with respect to Defendant's Exhibit S?

THE COURT: Yes.

(Document handed to witness.)

Q Now, that is a copy of a letter that you say you saw somewhere else; is that right?

A Yes.

On Mr. McKernan's desk, the city attorney.

Q And Mr. McKernan was a city attorney and another appointee of your uncle, is that correct?

A Yes, at that time.

Q And where did you obtain this copy?

A This copy?

Q Yes.

A This copy I believe was given to me by Mrs. Annise.

Q In connection with this trial, is that right?

A Yes.

Q You didn't get a copy at the time?

A No. I didn't have a copy.

Q And was the original that you saw signed?

A I didn't see the original.

Q You just --

A I saw this copy. This copy doesn't have a signature on it.

Q When for the first time did you see that copy?

A I can't say for sure, only that I had seen it in Martin's office.

Q And how did you come to see it in Martin's office?

A Well, Martin I believe wrote the letter.

Q My question was:

How did you come to see that copy?

A Martin and I are very good friends. I would occasionally walk into his office after hours and I am sure that on one occasion I saw this letter in his office.

Q And with respect to the day on which the purchases were made, when did you see that letter?

A I don't understand the question, sir.

Q Was it before or after you made the

purchases, the purcvhaseof the Genesis stereo that you saw that letter?

A I am not sure when it was.

Q So the letter may have been written before the stereos were purchased; is that right?

A I really don't know.

Q What I mean is you may have seen the letter before the steros were purchased; is that right?

A I couldn't say for sure.

MR. PUCCIO: Your Honor, I have no objection to the receipt in evidence of that letter.

THE COURT: All right.

Exhibit S is received in evidence.

Any other questions?

MR. PUCCIO: May I just have a moment, your Honor?

I don't believe so. I am looking at a document.

(Pause.)

MR. BROWN: Before my redirect, assuming he is finished, may we come to side bar for just a minute?

THE COURT: Yes.

(The following occurred at side bar.)

* * *

* * *

BY MR. PUCCIO:

Q Now, were you asked these questions and did you give these answers, Mr. DiLorenzo, on April 9, 1980 before a federal grand jury in this district?

MR. BROWN: If your Honor please, I object to the technique.

I understood normally you ask the question first.

MR. PUCCIO: The questions are being asked because we submit it is contrary to his testimony and we want to find out if the witness said it.

MR. BROWN: Normally isn't there a question and then the use of it depends on the answer?

MR. PUCCIO: I'll ask the preliminary question then.

Q Did you meet with Congressman Myers and did you see Congressman Myers on August 22, 1979 in possession of an envelope containing money?

MR. BROWN: Asked and answered, I think, youjr Honor.

I hesitate and object reluctantly but I think it was asked and answered three times.

THE COURT: Last time you objected because he didn't ask the question.

Now you are objecting because he asked it before. He thought he asked it before and he was going into the impeachment.

MR. BROWN: That's correct.

THE COURT: Now, you have asked for the question he is going to impeach him on and you are objecting to that.

MR. BROWN: He already impeached him on it, Judge.

THE COURT: Not as to Congressman Myers he didn't.

I don't know what he is going to ask him in terms of what is in the grand jury minutes, but overruled.

A I don't remember that eday for sure that I met Congressman Myers. So I would not know.

Q And when you testified before the grand jury were you asked these questions and did you give these answers:

"Question: Did you see Congressman Myers at the International Hotel?

"Answer: I remember I met the congressman

in the mayor's car. I don't think I met Congressman Myers prior to him going into the elevator or whatever. I think the time when I met Congressman Myers was after the mayor had come down from the elevator.

"Question: This was after the meeting when you met Congressman Myers; is that right?

"Answer: Yes."

A Right.

Q Were you asked those questions and did you give those answers?

A I did, sir. But like I said in June of 1980 I believe I have Congressman Myers confused with another congressman.

Q Now, I ask you again, did you see Congressman Myers on August 22, 1979 in possession of an envelope?

MR. CACHERIS: Objection, your Honor. That is not even the question that was asked in the grand jury.

THE COURT: Overruled.

A I don't remember if I saw congressman Myers on that day, sir.

MR. PUCCIO: I have no other questions at this time.

THE COURT: All right.

We will take a short recess, ladies and gentlemen.

Don't discuss the case during the recess, please.

(Whereupon, at this point a short recess was taken.)

(Continued on next page.)

THE COURT: Bring in the jury..

(The jury is in the jury box.)

THE COURT: Any more questions of Mr. Di Lorenzo?

MR. BROWN: Yes.

Redirect, with your permission.

THE COURT: All right, Mr. Brown.

REDIRECT EXAMINATION

BY MR. BROWN:

Q You were asked about a receipt for any of the items that were mentioned.

Did you indeed acquire receipts or have someone acquire a receipt for one of the items?

A Yes, for the Beta max.

Q What did you do with that receipt?

A Gave it to my attorney.

Q Where was it sent?

A Not sent, but picked up.

MR. PUCCIO: I object to this.

MR. BROWN: He asked the whereabouts of the receipt.

THE COURT: Isn't it in evidence?

MR. BROWN: No, sir, this receipt, the receipt for the Beta max. We have a copy --

the original receipt, we have a $900 some odd dollar receipt.

THE COURT: A copy?

MR. BROWN: Got another from the firm and turned it over to someone which I would like to bring out.

THE COURT: This is another copy of the receipt?

MR. BROWN: Yes.

THE COURT: Go ahead.

Q Who did you give it to?

A The original was given to the FBI.

Q When was that?

A That was I believe in early June.

Q What year?

A 1980.

Q With respect to the occasion when you have been asked whether you testified before the Grand Jury, as to Congressman Meyers, do you recall that?

A Yes, sir.

Q Now, on March 27th, 1980, did you testify before the Grand Jury?

A I did, sir.

Q Did you testify on that occasion that

you drove Mayor Errichetti to the airport on the 22nd?

A Yes, sir.

Q Did you return to the Grand Jury after March -- April 9th, 1980?

A Yes.

Q With respect to whether or not you had seen Congressman Meyers, did you have further testimony about that fact?

A Yes, sir.

Q Was this question asked and did you answer as indicated:

"Question: Did you see Congressman Meyers?

"Answer: I don't know. I believe I saw Congressman Meyers and another congressman."

MR. BROWN: Your Honor, I am paraphrasing because the other man's name is there.

Q "I am not sure if that is the same day, I don't remember picking them up from the airport or anything like that."

Do you remember testifying?

A Yes.

Q Did you also testify before the Grand Jury in response to this:

"Question: You testified the last time

that you once drove the Mayor to the meeting with Congressman Meyers and and another occasion with another Congressman?

"Answer: Right. It's very confusing because it all happened at the International Airport. I am confused with the dates."

Did you so testify before the Grand Jury?

A Yes.

Q "Question: Would you agree if I told you that the Mayor's meeting was on August 22nd, and the other Congressman meeting was on September 11th, both in the year 1979?

"Answer: If they were indeed at Kennedy Airport I would agree to that, yes, sir. "

Did you testify before the Grand Jury?

A Yes.

Q You testified today you are still not certain when you met Congressman Meyers, is that correct?

A That is correct.

Q You did not say one way or the other whether you met him at the airport or motel on the 22nd?

A Yes.

Q You did so testify before the Grand Jury, is that correct?

A Yes.

Q Now, when you went before the Grand Jury on these two occasions in this District, Eastern District of New York, were you asked any questions about the gifts.

A No, sir.

Q Did you volunteer any answers or directions about the gifts?

A No, sir.

Q Did you have any other occasions when you sat down with Government officials, FBI or others, with respect to this case?

A Yes.

Q What was that?

A In June, 1980, at the Trenton Post office with three FBI agents from the Newark office.

Q Did you on that occasion mention the gifts?

A Yes.

Q Did you on that occasion tell them in substance what you testified to to this jury?

A Yes, sir.

Q So that that was what date, June what?

A Sometime in June this past year, I think early June.

Q It was as a result of that meeting you got the receipt for the Beta max?

A They asked if I had had any receipts, I told them I had one.

Q On that occasion, when you spoke to the FBI, who brought up the matter of the gifts, you or the FBI?

A I did.

Q You told them that, is that correct?

A Yes.

Q Now, you've testified that you are loyal to your uncle, is that correct?

A Yes.

Q And would that cause you to lie here under oath before this jury?

A No, sir.

MR. BROWN: I have no further questions.

THE COURT: Any other questions for Mr. Di Lorenzo?

MR. PUCCIO: May I, your Honor?

THE COURT: Recross.

RECROSS EXAMINATION

BY MR. PUCCIO:

Q Now -- would your Honor take notice of the fact that the indictment was returned and filed on May 27th, 1980?

THE COURT: Any question about that?

MR. BROWN: No question, sir.

THE COURT: All right.

Q It was after May 27th, 1980, that you first raised this question of the gifts, is that correct?

A That is correct, sir.

Q And in the Grand Jury you were questioned about your activities during January and February and March and April and May and so on during 1979, is that correct?

A I'm not sure how far, what dates we went over.

Q In connection with your testimony you submitted a hand-written list of matters which covered the entire year 1979, is that right?

A That is correct.

Q You didn't include anything about these gifts in this list, is that correct?

A No, sir.

Q Or anything about trips to meet with Mel Weinberg?

A No, I put down a list of meetings.

Q You didn't indicate or include these meetings with Mel Weinberg?

A I didn't think they were meetings.

Q This other Congressman that you may have confused with Mr. Meyers, do you recall that the meeting with him was at the Hilton Inn?

A Yes, sir.

Q And --

A It's all in the same general area. All in the same JFK Airport area.

MR. BEN-VENISTE: I ask for a cautionary instruction with respect to the relevancy of that material. It has nothing to do with the issues in this case or Mr. Criden.

THE COURT: What Mr. Ben-Veniste says is in effect correct, as I tell you before, I will tell you again in my final instructions, ladies and gentlemen, this case deals with matters that revolve around Congressman Meyers, particularly the events of August 22nd.

You've heard testimony about other Congressman, other events, other matters. They all have some bearing on some aspect of the case, whether it be credibility or a particular witness or particular person's state of mind, and so forth.

But you do have to keep in mind the somewhat

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limited impact of a great deal of the evidence that you have heard in the case.

And particularly here when there is talk about other congressmen. This case is not about other congressmen. We get into it only because the witness is apparently -- has some confusion in his own mind between the events pertaining to Congressman Meyers and the other person.

It bears upon the quality of the witnesses' recollection and credibility, what weight you will give to his testimony, but we are not concerned here with the other congressman or what the other congressman may have been doing on some other occasion.

We have enough problems dealing with Congressman Meyers and the events that revolved around him on August 22nd.

MR. BEN-VENISTE: Thank you.

THE COURT: You may proceed.

RECROSS EXAMINATION

BY MR. PUCCIO: (Continuing.)

Q Mr. Di Lorenzo, in connection with these gifts, on each occasion, did you immediately deliver them after they were purchased or were any of them held for

any period of time?

A They weren't immediately delivered after the purchase, they may have been held for a day.

Q With respect to the last gift which was delivered, according to your testimony, in late Summer, you testified that that was put into Mel Weinberg's van, is that correct?

A Yes, the Company van. Abdul's van.

Q Abdul's van?

A That's right.

Q This particular place, Cherry Hill?

A Yes.

Q Would you describe that van, please?

A It was a passenger van, same van that I had driven in Florida. It was brown, tan, maybe '79, 78.

Q And on how many occasions had you seenthat van?

A I can't say for sure. I saw it a few times.

Q I didn't hear.

A A few times.

Q On how many occasions before this date when you put the items into it had you seen it?

A I can't say for sure.

Q You had seen it in Florida back in March,

is that correct?

A Yes.

Q And is that the only other time you saw it?

A I can't say for sure. I really don't know.

MR. PUCCIO: I have no other questions.

MR. BROWN: If I may ask from here?

THE COURT: Re-redirect.

REREDIRECT EXAMINATION

BY MR. BROWN:

Q With respect to the meetings that you listed for Mr. Puccio, in the past in connection with Grand Jury appearances, what meetings were you asked to list?

A Meetings that I remembered that I drove the Mayor.

Q ON the occasions when you delivered the gifst, did you drive the Mayor to deliver those gifts?

A I don't believe so. I don't believe it.

Q So that you didn't see those as the same kind of meetings, whether you misunderstood or not, that is what you saw it?

A Yes.

Q With respect to your answering the information you gave the Grand Jury, is it a fact you were asked

questions and you gave answers?

A Yes, sir.

Q Were you instructed to answer the questions put to you?

A Yes,sir, I was.

Q Were you given any opportunity to volunteer?

A I don't understand the question, sir.

Q Mr. Puccio asked you why you didn't tell the Grand Jury session about the gifts.

A I didn't consider that a meeting.

Q You didn't consider it a meeting. How about your presence before the Grand Jury, speaking before a Grand Jury, did you have occasion to volunteer?

A No, sir, I didn't.

Q You did not?

A Had he asked me, I would have told him.

Q And there was one occasion when you delivered the gifts when Mr. Errichetti was present, is that correct?

A Yes, sir.

Q What occasion was that?

A It was January of 1979.

Q Did you consider that a meeting?

A It wasn't a meeting.

Q It was not, in your estimation?

A No, sir.

Q With respect to a certain meeting, you did say there was a delivery of gifts at a time when another person was present, is that not so?

A That is correct.

Q And would you tell us the date and occasion when the other person was present?

A Either late February or early March, Sunday afternoon, my girlfriend and I drove to La Guardia Airport where I delivered a Beta max.

Q What was your girlfriend's name?

A Debbie Ocacci(ph).

MR. BROWN: I have no further questions.

MR. PUCCIO: Just a few.

RERECROSS EXAMINATION

BY MR. PUCCIO:

Q Mr. DiLorenzo, in the Grand Jury, during the testimony, you submitted a list of trips and you indicated in January of 1979 you went to Long Island and you have next to that Mel?

A Yes.

Q Is that the trip in which you drove Mr. Errichetti to Long Island?

A I'm not sure if that was one or not.

I believe there were a few other trips and

I am not sure how many I drove in January.

Q During your testimony before the Grand Jury you listed trips in January but you did not list this trip in which you allege this gift was made?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

What was your answer?

A I'm not sure.

Q In the Grand Jury, on the 27th of March, 1980, you talked about a trip to the blue diner, is that correct?

A Yes sir.

Q Is that the same place where you say this gift was made?

A No, sir, that was the first time I ever met Mel Weinberg.

Q There was another trip, according to your testimony, during January?

A There were other trips. I became aware of other trips I did not remember later on.

Q First you testified concerning a trip in January and then you submitted a -- during your next appearance the next month -- a list of trips but you didn't include this one?

A I gave to you a list of trips I remembered. I have since been told there were other trips that I didn't remember.

Q Told by whom?

A The FBI.

Q Did the FBI tell you about this trip where you say this gift was made?

A The only thing I remember is it was in January.

MR. PUCCIO: No further questions.

MR. BROWN: Thank you, Mr. Di Lorenzo, you may step down.

THE COURT: Now next witness.

MR. BROWN: I call Ms. Procacci, please.

(Continued on next page.)

DEBRA PROCACCI, a witness called herein, having been first duly sworn by the Clerk of the Court, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Your full name is Debra Procacci, am I correct?

A Yes.

Q Where do you live?

A New Jersey.

Q Are you all right?

A Yes.

Q Do you know Joey DiLorenzo who just testified here?

A Yes.

Q You have known him for sometime?

A Yes.

Q Would it be fair to say in 1979 you and he were going together, boyfriend and girlfriend?

A Yes, sir.

Q Did there come a time on or about the early part of May, 1979, when you took a trip with Joe?

A It was March.

Q March?

A Yes.

Q Where did you go with Joe?

A To LaGuardia Airport in New York.

Q Do you recall if there was anything inside the car?

A In the trunk, a Betamax video tape recorder cassette.

Q When you got to LaGuardia, could you tell us exactly what happened after you arrived in that area?

A Yes, Joe and I parked the car in the parking garage and went into the airport to a lounge. I can't pronounce the name.

Q Ionosphere?

A Yes.

I waited outside and Joe knocked on the door. Mr. Weinberg was not there. And he sat on the windowsill and Mr. Weinberg approached us with other people and I was introduced to him.

Q Was that your first introduction to the gentleman?

A Yes.

Q Were you ever introduced to him again so that you would know whether it was Weinberg?

A Yes.

Q Was his identification identified as Mr. Weinberg?

A Yes.

Q What happened after you were introduced to this gentleman?

A We went to the parking garage and Mr. Weinberg drove his car to where Joe and I parked his uncle's car and we transmitted the Betamax video tape recorder from our trunk to Mr. Weinberg's trunk.

Q Were there any words spoken on that occasion?

A Yes, hearsay, jibber-jabber, I talked with the woman there.

Q Do you know her identification in terms of relation?

A Sister-in-law.

Q Anyone else there?

A Yes, his son and their dog.

Q You are certain on that occasion that you did see the Betamax delivered to Mr. Weinberg, is that correct?

A Yes.

Q You saw this yourself?

A Yes.

Q You are not related to the Mayor, are you?

A No.

Procacci

MR. BROWN: Thank you, no further questions.

THE COURT: Mr. Duffy?

MR. DUFFY: No, sir.

THE COURT: Mr. Ben-Veniste?

MR. BEN-VENISTE: No.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No.

THE COURT: Mr. Puccio?

MR. PUCCIO: Yes.

CROSS EXAMINATION

BY MR. PUCCIO:

Q What was the occasion for your other meeting with Mr. Weinberg?

A Pardon me?

Q What was the occasion for your other meeting with Mr. Weinberg?

A I saw him at another time at LaGuardia Airport.

Q What was the reason for that meeting?

A Joe and I went in his uncle's car to LaGuardia to meet with him to bring him something which I don't know what it was.

Q When did this meeting take place?

A Sometime after the summer, maybe either late September or October. I don't remember.

Q What was it that was brought to Mr. Weinberg on this occasion?

A I don't know.

Q What did it look like?

A It was an envelope.

Q Did anyone tell you what was contained in the envebpe?

A No.

(Continued on next page.)

Q Did you have any discussion with Mayor Errichetti about this envelope?

A No.

Q Did you see anyone else other than Mr. Weinberg?

A We met inside the lounge and there was another gentleman there that I spoke with while Joe and he spoke, but I don't really know if he had any connection to Mr. Weinberg.

In other words, thre was anothe gentleman there that talked to me while Joe talked to Mr. Weinberg.

Q And is that the only other occasion you met with Mr. Weinberg?

A Yes.

MR. PUCCIO: No other questions.

MR. BROWN: Thank you.

THE COURT: Mr. Duffy, do you have a question?

MR. DUFFY: No, sir.

THE COURT: All right, thank you, Ms. Procacci. You may step down.

Next witness.

MR. FURST: I call Mr. Michael Duffy.

M I C H A E L D U F F Y, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Michael J. Duffy, D-u-f-f-y.

DIRECT EXAMINATION

BY MR. FURST:

Q Mr. Duffy, are you prsently employed?

A I am presently self-employed as a tax consultant and a financial investigator.

Q How long have you been so employed?

A Approximately one year, since July 1979.

Q What did you do prior to July 1979?

A Prior to '79 I was a special agent with the Criminal Investigation Division of the Internal Revenue Service, U. S. Treasury Department.

Q Where did you work out of?

A For the last 13 years I worked out of the Philadelphia office.

Q And prior to that time?

A I had worked three years in the Newark, New Jersey office.

Q Wereyou hired to assist the defense attorneys

in the preparation for this trial?

A Yes, I was.

Q And in connection with that assistance did you receive a request to go to Mr. Puccio's office?

A Yes, I did.

Q And when you were there did you review certain telephone records?

A Yes, I did.

Q And what was your purpose in reviewing those telephone records?

A My --

MR. PUCCIO: I object to this, your Honor. If the telephone records are to be offered I request that they be done.

MR. FURST: We will get to that, your Honor.

THE COURT: I am sorry, I didn't hear you, Mr. Furst.

MR. FURST: I'll get to that.

THE COURT: The objection is overruled at this stage.

What was the purpose?

THE WITNESS: The purpose --

Q What was your purpose?

A My purpose was to look at the telephone toll

records.

Q Which toll records is that?

A Of Abdul Industries and Mel Weinberg's home phone numbers.

Q Did you receive those toll records from Mr. Puccio?

A Yes. It was from someone in Mr Puccio's office. They provided copies of the Abdul records and the Mel Weinberg home telephone numbers.

Q Did you review those records with a particular objective?

A Yes, I did.

Q What was that objective?

A The purpose of that was to compare the telephone toll calls that were made from the home phone numbers of Mel Weinberg and also Abdul Industries with the recorded conversations from a list that Mr. Puccio's office had provided to the defense attorneys.

Q Is that known as the 3500 list?

A Yes, it is.

MR. FURST: May I approach the witness, your Honor?

THE COURT: Yes.

Q Can you identify that?

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A Yes.

This is an index of the 3500 exhibits.

The exhibits of recorxed conversations that were provided by the government is what it is.

Q Is this the list that you used to compare with the phone records?

A Yes, it is.

Q Did you prepare a summary of your observations?

A Yes, I did.

Q And would you look at Defendant's Exhibit U for identification and tell the jury whether that is the summary?

A Yes.

This is the summary that I prepared.

Q Can you describe to the jury how you prepared that summary?

A Yes.

First of all this summary is a summary of unreported telephone calls between Angelo Errichetti and Melvin Weinberg.

And the first page of the summary shows the telephone numbers that were used by Abdul Industries in New York and by Melvin Weinberg in New York and Florida, and the City of Camden, the mayor's office, which

is in Camden, New Jersey.

And these records were obtained from the mayor's offide itself. They had copies of the records. And the home telephone numbers of Angelo Errichetti which would be in Camden, New Jersey and Longport, New Jersey.

These records were prepared from records provided by him, copies of records that he had of his own telephone calls.

Q Do you know whether or not those phone records were also supplied to Mr. Puccio's office?

A Yes. Those records were supplied by the New Jersey Bell Telephone Company.

Q Can you describe how you prepared the summary?

A Yes.

What I did is I listed all the telephone converstions covering two minutes or more from each of the telephones listed in this summary.

And I compared the telephone toll records from the Bell Telephone Companies of the individual states involved.

Now, these toll records would show the date of the call, the place that the call was made to,

the place where the call was coming from, the number that was called and the number that the telephone call was charged to, the total minutes of the conversations, the telephone hook-up and the exact time of the connect time, which the records of the Bell Telephone keeps the connect time for each call.

Q Why did you select two-minute conversations or longer?

A The reason I selected two-minute conversations and I went through the 3500 index and I found seven telephone calls between Angelo Errichetti and Melvin Weinberg that were recorded.

And I have a list of those converstions in my pocket here.

Q Those are conversations that were two minutes in duration?

A Yes, yes, they were.

Q According to the toll records?

A Yes, that's correct.

Q And the 3500 index had transcripts for those conversations?

A Yes, that's correct.

MR. FURST: May I approach the witness, your Honor?

THE COURT: Yes.

Q I would like to hand you Defendant's Exhibit AA,BB,CCand Dd for identification and ask you what those are.

A The first exhibit, AA 1 through 19, is a listing of telephone calls from the New York Telephbone Company that were charged to Abdul Enterprises, Ltd. In this list of exhibits, 1 through 19 are the telephone calls, two minutes or more that were not recorded.

There is no proof of recording --

Q You mean in terms of transcript?

A No proof of recording or a transcript was provided to the defense attorneys by the government.

Exhibit B, lthrough 17, are the telephone toll records from the Florida Telephone Cmpany, I believe it's Southern Bell Telephone Company of Melvin Weinberg's home or residence phone numbers.

And these calls, 1 through 17, list the telephone toll calls that there were no recordings for or any transcripts provided to the defense.

Exhibit CC are the telephone calls from the mayor's office regarding the same types of transactions.

There are 19 exhibits there, 1 through 19.

And Exhibit DD are the calls from the mayor's home telephone numbers in Longport, New Jersey and Camden, New Jersey, and that's Exhibit 1 through 5.

There was a total of 57 telephone calls, two minutes or more, totalling 227 minutes that were not recorded.

It's three hours and 47 minutes.

Q Did you in Exhibit U for identification break down those calls?

A Yes, I did.

Q And reading from Defense Exhibit U, could you tell us what is contained on those pages?

A Yes.

On page 2 of the exhibit, which is Exhibit A, it is Abdul Enterprises, and it is telephone toll calls that are charged to the Abdul Enterprises, Ltd. telephone number.

Q How many are there?

A There are 19 telephone calls.

Q From what date to what date?

A From February 9, 1979 to July 9, 1979.

Q And Exhibit B is the telephone toll calls charged to the Florida Telephone numbers of Mel Weinberg.

Q And there are 17 of these phone calls, and they go from the period January 23, 1979 to August the 9th, 1979.

Pardon me, on this Exhibit B there are more than 17 phone calls. There are 17 phone calls on page 3.

Page 4 continues and it goes up to 29. There are 29 total phone calls.

Q And Exhibit C?

A Exhibig C is the City of Camden Mayor's office telephone toll calls that were charged to his numbers at that location.

Q All right.

A There are 19 telephone calls.

Q During what period of time?

A From January 17, 1979 to June 29, 1979.

Q And Exhibit D?

A Exhibit D is the telephone toll calls charged to the home phone number of the mayor in Camden, New Jersey and there are five such calls.

Q By the way, are you related to the defense attorney Duffy sitting at counsel table?

A No, I am not.

Q When you worked for the IRS in Philadelphia, did you work in an undercover capacity?

A Yes, I did.

Q When you were working undercover did you work in the organized crime area?

A Yes, I did.

Q Did you come to know an individual by the name of Skinny Razor?

A Yes, I did.

That person's real name is Felix DeTulio and he has been dead for about 15 years.

Q And did you also come to know the name of Tony Testa?

A The name Tony Testa doesn't ring a bell with me, but Philip Testa does ring a bell. He was the No. 2 man under Angelo Bruno.

Q Is it fair to say that thereis no person involved in organized crime in Philadelphia who is prominent whose name is Tony Testa?

A Yes, it is.

Q Did you also review the transcripts and tape recordings of telephone conversations to review the beginnings of those conversations?

A Yes, I did.

Q hen you were an IRS agent did you have occastion to reivew, to utilize telephone tapes?

A Yes.

We did analyze situations where there were telephone situations and the proper recording techniques.

Q And conceptual monitoring s as well?

A Yes.

Q And what is the proper procedure for taping a phone conversation?

A The proper procedure for taping a phone call is to start at the very beginning when the phone is ringing and then to tape it from that point forward.

Q Did you review the transcripts and the tapes of phone conversations?

A Yes, I did.

Q That the defense was supplied?

A Yes.

Q r rather, the defendant Errichetti?

A Yes.

Q And what did your review disclose?

A Well, out of the total 83 conversations that were supplied to us, on 8 occasions it showed a ringing of the telephone or the operator on the telephone. On 35 occasions there was a first person involved. It wasn't the person that the call was intending to go to. And on 12 occasions the intended speaker was the first part

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of the transcript and the tape.

On 28 occasions the conversation started in the middle of the conversation or in the middle of a sentence. It was a total of 83 conversations involved.

Q And who were those calls between? Who were the speakers?

A The calls were between Angelo Errichetti and Melvin Weinberg and sometimes Dani Annise who was the secretary for the mayor.

Q You can identify her voice on the phone?

A Yes.

MR. FURST: Your Honor, I would offer Defense Exhibit U at this time.

THE COURT: Any objection?

MR. PUCCIO: I would like to examine it, Judge and maybe ask some questions on it.

THE COURT: You may have voir dire.

MR. PUCCIO: I will wait until he is finished.

MR. FURST: I think I am done.

Here are copies of them.

That's all.

MR. PUCCIO: I can wait until other counsel have finished before I voir dire.

THE COURT: Do you have questions, Mr. Duffy?

MR. DUFFY: I have some questions.

THE COURT: Proceed.

CROSS-EXAMINATION

BY MR. DUFFY:

Q About our credibilityk, you don't know me, do you?

A I know you from Philadelphia, but not before this.

Q Chickie Narducci,Philip Chicken Man Testa, does that ring a bell to you from your undercover work in the city?

A Yes.

Q Can you tell the jury the ages of Philip Chicken Man Testa and Chickie Narducci?

A Both men are in their fifties and Testa is a little older than Narducci.

MR. DUFFY: That's all.

THE COURT: Mr. Ben-Veniste?

MR. BEN-VENISTE: No questions.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No questions.

15 Duffy-cross-Puccio

THE COURT: Mr. Puccio.

MR. PUCCIO: I have some questions.

CROSS-EXAMINATION

BY MR. PUCCIO:

Q Did you say, Mr. Duffy, you worked on organized crime matters in the City of Philadelphia?

A Yes, I did.

Q For how long a period of time were you so engaged?

A Off and on for 13 years.

Q And this was for the Treasury Department in Philadelphia?

A The Intelligence Division who later changed its name of the U. S. Treasury Department.

Q And that would be part of the Internal Revenue Ser ice, is that correct?

A That's correct.

Q. And in your opinion is there an organized crims problem within the City of Philadelphia?

A Yes, there is.

Q And to be morespecific does the mafia operate within the City of Philadelphia?

A Yes, it does.

Q And would the sphere of influence of the

mafia in the City of Philadelphia include the dock area of Philadelphia?

A No, it does not include the whole dock area.

There are differences of opinion as to what extent of control the mafia has over the City of Philadelphia.

South Philadelphia is where most of the mafia is located and it is made up of a mixed neighborhood, Italians, Irish, German, Jewish, blacks.

And in the northern part of the city you have docks also, which is the northeast section which is the Kensington area and North Richmond and they don't have any control in that area as far as I know.

Q But the South Philadelphia area, it is a fair statement that the mafia controls the docks, is that right?

A It would not be. I have never seen proof of that.

Q Well, is the view of law enforcement people in the City of Philadelphia that the mafia has control of the docks?

MR. FURST: Objection, your Honor.

MR. BEN-VENISTE: Objection.

MR. DUFFY: Objection.

THE COURT: Sustained.

Q Well, now, with respect to Defesne Exhibit U, I have a copy and I assume you have it in front of you, is that right?

A Yes.

Q This purports to represent unreported telephone calls between certain dats, is that right?

A Yes.

Q And the dates are -- well, let me ask you, from when to when?

A Well, the first telephone call that I have here is Exhibit C, January 17, 1979.

And it has the telephone call would be October the 24th, 1979.

Q And this exhibit represents telephone calls from a number controlled by Mr. Weinberg or Abdul Enterprises and a number controlled by Mr. Errichetti, is that right?

A That's correct.

Q And by the way, this exhibit, I would assume, is prepared largely with documents that were furnished to you during the trial by the government, is that right?

A It was half by documents furnished by the government and half by the mayor's office in Camden and his wife or himself.

Q All right.

But you had occasion to look at the government's records concerning Abdul Enterprises toll calls, is that right?

A Yes, it is.

Q And that you didn't get from the City of Camden?

A That's correct.

Q And the government supplied you with recirds of Me. Weinberg's telephone calls, is that right?

A That's correct.

Q And what is the normal retention period for telpehone tolls?

A Well, the normal retention period is six months. But if a subpoena is issued to a telephone company they can keep it six months, nine months, twelve monts, and so on.

Q And it is for sure that the records the government supplied you were all within six months, is that right?

A That's correct.

Q Now, between July 26th and-- by the way, do you know if Mayor Errichetti ever used telephone equipment at Abdul Enterprises to call his own office in Camden?

A That I don't know offhand. Probably if I look through the records I can find out.

But offhand, I don't know.

Q In any event, from your knowledge of procedures in the law that would not be recorded unless there would be some party consenting to that conversation being recorded, is that correct?

A You say according to law?

Q Yes.

A Well, if he consented himself to have it recorded he would not have to go through the law.

Q In any event, it would be a fair statement tha if the mayor did call from Abdul Enterprises during the undercover investigation and you are familiar with undercover investigations, to his own office, that would not be recorded, is that right?

A No. I can't say that. I really don't know if Abdul had a tape recorder on their phone at all times or not.

Q But the mayor's consent would have to be obtained?

A No.

It is possible that his conversations could have been taped illetally by Abdul.

Q I see.

But excluding that possibility, the mayor's consent would be necessary, is that right?

A Yes.

Q Now, between July 26, 1979 and August 22, 1979, how many unrecorded telephone calls do you have on your list?

A Could you repeat those dates, pleease?

Q Yes.

Between July 26, 1979 and August 22, 1979.

A There are six telephone calls that are unrecorded.

Q And what is the duration of each one of those calls?

A Well, one call is three minutes, two minutes, two minutes, two minutes, three minutes and three minutes.

Q Okay.

And your records, all the records you have examined reflect no other unrecorded calls during that period of time, is that correct?

A No, they do not.

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Q Tell us in each case what number the call was made from and to which number was it placed.

A During that period of time?

Q During July 26, 1979 and August 22, 1979.

A All telephone calls --

Q By the way, Mr. Duffy, you are generally familiar with the dates involved in this case, is that right?

A Yes.

Q You know August 22nd is a significant date, is that right?

A Yes.

Q You know July 26th is a significant date?

A Yes, I do.

Q All right.

And matters that occurred prior to July 26, 1979 really are not part of what is in issue here, is that right?

MR. BEN-VENISTE: I object to that, your Honor.

MR. PUCCIO: I will withdraw it.

THE COURT: All right.

Q Go ahead.

A The dats August the 9th or from the

period July 26 through August 22, there are six telephone calls.

All toll calls were charged for the Florida telephone numbers of Melvin Weinberg.

Now, the first call, the Exhibit number is B-17, August 9th at 12:49 p.m. from Atlantic City, New Jersey to the mayor's office in Camden, New Jersey.

Q How long was that?

A Three minutes.

Q Okay.

A The Exhibit B18, August 10, 1979, 5:10 p.m., two minutes.

Q Where was the dall made to?

A It was from Central Islip, New York to the summer home of Mayor Errichetti in Longport, New Jersey.

Q How long was that?

A Two minutes.

Q Okay.

THE COURT: Mr Duffy, that first one,did you say it was from Atlantic City?

A Yes, it was.

THE COURT: To the mayor's office?

THE WITNESS: Yes, from Atlantic City to

the mayor's office, but charged to the Florida telephone number.

Q So whoever made that call was in Atlantic City but charging it to the Weinberg number?

A Yes, that's correct.

Q All right.

A The third call was August 20th and that is B-19 exhibit number, August 20th, 2:32 p.m., two minutes. And it was a call from New York City, New York, to the mayor's office in Camden.

B-20 is August 20, 1979, 6:17 p.m., two minutes, from New York City to the mayor's office in Camden.

Q What date was that last one, sir?

A August 20th.

Q Okay.

And the next one?

A B-21. The date is August 21st, 5:35 p.m., three minutes, from the Travelodge in Queens, New York to the mayor's office.

The last call during that period is --

Q I'm sorry, what was that last one from the Travelodge?

What date?

A This was August 21st at 5:35 p.m. for three minutes, from the Travelodge Motel in Queens, New York to the mayor's office in Camden.

Q All right.

And that was charged to what number?

A To the Florida home telephone number of Melvin Weinberg.

Q Okay.

A The next one is B-22 which is August 22, 1979 at 10:31 p.m., three minutes, and it was from Queens, New York to the home of Mayor Errichetti in Camden, New Jersey.

Q What time of the day was that?

A That was 10:31 p.m.

MR. PUCCIO: Your Honor, I have no objection to those six calls, thatis, the ones between July 26, '79 and August 22, '79 being received into evidence.

THE COURT: What is offered in evidence is Exhibit U.

MR. PUCCIO: Well, I would object unless some showing is made as to the relevance to

this case as to the other calls.

MR. DUFFY: May I speak to that, sir?

THE COURT: At the side bar.

You are not offering the exhibit.

MR. FURST: I will speak to it.

THE COURT: I'll hear you just the same.

Come to the side bar.

(Continued on next page.)

* * *

(The following took place in open Court.)

THE COURT: Exhibit U is received in evidence.

So that I understand, Mr. Duffy, I heard some references to AA and BB, is that all part of Exhibit U?

THE WITNESS: Yes.

THE COURT: All right. Exhibit U is in evidence.

MR. PUCCIO: I assume what I received which is a seven-page Exhibit is --

THE COURT: Document here marked Exhibit U, I assume. Where is it?

THE WITNESS: Here it is.

MR. PUCCIO: May I look at it, sir?

THE WITNESS: Yes.

(Pause).

CROSS EXAMINATION

BY MR. PUCCIO:

Q Mr. Duffy, you stated the figures you have on the telephone calls duration are from the records supplied by the telephone company?

A That is correct.

Q Many of them in this case were records

subpoenaed by the Government which were turned over to you, is that correct?

A That is correct.

Q Does the telephone call record the exact number of seconds of each call?

A No, it doesn't.

Q In a telephone call which is one minute, one second, how would that be recorded?

A Different telephone companies work different ways.

Q How does the telephone company you examined the records on work?

A Southern Bell Telephone, Florida; New York Telephone Company; and New Jersey Telephone Company --

Q All do it the same way?

A I don't know how. I know New Jersey. If it's over two minutes, two minutes one second becomes a three-minute call.

Two minutes 57 seconds is a three-minute call.

Q One minute one second is a two-minute call?

A Yes.

Q You don't know if those calls are recorded as two minutes may have been one minute one second?

A That is correct.

Q You were supplied with a list of exhibits that were given by the Government to the defendant, is that correct?

A Yes.

Q They list recorded telephone conversations and other recorded meetings involving Mayor Errichetti and Mr. Weinberg, is that correct?

A That is correct.

Q Over how many occasions were recordings made of meetings or conversations in which Mr. Weinberg and Mr. Errichetti appeared?

A First objection, including meetings in this here -- the examination has only been on telephone calls.

THE COURT: As a basis for comparison, it might be helpful to -- I will overrule the objection then.

You can pursue both if you think it is necessary.

Q First, on how many occasions was there a recorded telephone conversation between Mel Weinberg and Mr. Errichetti?

A The total number of occasions?

Q Yes.

A Offhand, I couldn't --

Q Would you be able to consult the list?

A With the 3500 index, if I can look at the list I can tell.

THE COURT: How long will it take?

THE WITNESS: Just a minute, your Honor.

THE COURT: All right.

THE WITNESS: If Mr. Furst can give it to me I can pick it up.

MR. PUCCIO: All right.

(Pause.)

A A total of 63 telephone calls that show up on the toll records that are recorded conversations.

There are 16 recorded conversations on here that there are no toll records for. A total of approximately 79 telephone conversations on this sheet. On the 3500 index.

Q Seventy-nine recorded calls between Weinberg and Errichetti, is that correct?

A That is correct.

Q How many of those run for longer than three minutes, do you know?

A I will have to check thelist here.

Well, there is a total of eight telephone

calls, seven of which are two minutes that are recorded and one telephone one minute. That is eight.

Subtract from the total --

Q All of those others out of the 79 other than those eight or 10 was it?

A Eight.

Q Eight out of 79 are longer than two minutes, is that correct?

A That is correct.

Q And eight out of 79 of these recorded calls are longer than two minutes, is that correct?

A That is correct.

MR. PUCCIO: I don't have any other questions, your Honor.

THE COURT: Any other questions?

MR. DUFFY: I have a few, sir.

CROSS EXAMINATION

BY MR. DUFFY:

Q Was it not in the records, your compilation, if Mel Weinberg called the Mayor from a phone booth and dropped a dime, would that be in your records anywhere?

A Not in the toll records, not unless he charged it to his home phone number.

Q If such a call that was made from a phone

booth that was made and not recorded, we wouldn't know about it?

A That's correct. There are three telephone calls in here that are local calls. When he was in the Camden, New Jersey, area. There is no toll records to back that up. That is a ten-cent call.

Q No way for the jury to know how many other calls, if any, Mel Weinberg made to the Mayor from Camden, Cherry Hill, with no toll calls that came from phone booths?

MR. PUCCIO: Objection.

THE COURT: Overruled.

A No, there is no record. No way of knowing how many other phone calls he made.

Q If the Mayor called Mel Weinberg, when Weinberg was in the same area the Mayor was in, and he called from a phone booth, with a dime, there would be no record of that?

A No record of any local telephone calls.

Q If Weinberg called the Mayor, say, when Weinberg was staying at a hotel and charged the call to the room, you wouldn't have any record of that?

A No, there would be no record of that.

Only be an amount on the bill that the man

had.

Q You weren't given any of those bills?

A No.

Q We don't know how many unrecorded calls, if any, were charged to hotels, do we?

A No.

MR. PUCCIO: No further questions.

REDIRECT EXAMINATION

BY MR. FURST:

Q Mr. Duffy, if a call was for one minute and 59 seconds, what would that be listed as?

A A toll would be one minute -- no, the toll call would be two minutes. I'm sorry.

Q Did you review the telephone records for the entire year of 1979?

A Yes, I did.

MR. FURST: Thank you.

MR. BEN-VENISTE: May I?

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Do you know whether the phone companies differs so that a call of two minutes and 59 seconds coming from Florida might be recorded as two minutes by Florida bills?

A Possibly could be recorded either way. I don't know how they work in Florida.

MR. BEN-VENISTE: Thank you.

THE COURT: Thank you, Mr. Duffy, you may step down.

MR. BEN-VENISTE: Robert Green.

THE COURT: Defendant Errichetti rests?

MR. FURST: No more witnesses.

ROBERT W. GREEN, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

MR. HUGHES: Your Honor, my name is Hughes from Townley and Updike and I am the attorney for the witness.

THE COURT: You may sit at counsel table.

MR. HUGHES: Thank you.

THE COURT: You may proceed, Mr. Ben-Veniste.

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Green, you are a newspaperman with Newsday Newspaper?

A Yes.

Q You know a man by the name of Mel Weinberg?

A Yes.

Q Have you entered into an arrangement with Mr. Weinberg in connection with the writing and publication of a book?

A Yes.

Q The proposed title of that book is: "The Sting Man?"

A It's a possible title.

Q Did there come a time, Mr. Green, when you discussed Abscam with Mr. Weinberg in connection with preparing an outline for a book?

A (No response.)

Q Or a proposal?

A There came a time when I spoke to Mr. Weinberg about the possibility of writing a book about his life which would include Abscam, yes.

Q Now, in the course of those conversations that you had with Mr. Weinberg, did Mr. Weinberg tell you at some point that he had kept some plans for -- he had available to him some plans for a hotel casino?

A I think what he said was he would have the availability of those plans at one time or another.

Q Did he also mention something with respect to having the pictures of -- photographs of the interior of the Washington Townhouse and certain video tape and

sound equipment?

A Pictures of something?

Q Yes.

Photgraphs.

A He said he would -- again, he would have the availability of those things.

(Continued on following page.)

Greene-direct-Ben-Veniste

Q Did he indicate to you he had a photograph of himself and undercover agents of the FBI sitting in the library of the town house?

A I am not quite sure whether he indicated to me or somebody else indicated he might have a picture.

Q When did Mr. Weinberg indicate to you that he had a photograph of the interior of the town house?

A I think he indicated to me he had the availability of those photographs sometime maybe -- oh, March, early May.

THE COURT: What year?

THE WITNESS: 1980.

Q Between March and May of 1980 sometime?

A To the best of my recollection. I had a number of conversations with Mr. Weinberg.

Q Your best recollection can't be any more precise than that, I take it?

A Not as to which piece of specific information came at which conversation.

Q You had a number of conversations?

A Yes.

Q Now, did you have a conversation with Mr. Weinberg on or about February 2nd, 1980?

A I believe on or about -- well, within a few

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days, February 2nd, within a few days after that, I think I had a telephone conversation with him. And then I don't know whether he came up from down south or what, but I met him in a motel.

Q And you discussed the ABSCAM project or the book project?

MR. PUCCIO: I object to the form of the question.

MR. BEN-VENISTE: Withdrawn.

Q Mr. Greene, did there come a time when you had a conversation with John Good of the FBI?

A I have had hundreds of conversations with John Good.

Q Did there come a time when you had a conversation with Mr. Good in which he told you Mel Weinberg was the heart and soul of the ABSCAM investigation?

A At one time, after I had talked with Mr. Weinberg --

Q Could you answer yes or no?

A I called Mr. Good -- I am answering -- and Mr.Good, I said, Mr. Good -- John, would you do me a favor. I am thinking of doing a book on the guy, can you tell me if the guy is for real with ABSCAM.

He said, to those records he was the heart

and soul of the investigation.

Q Did Mr. Good also tell you on that occasion without Mel Weinberg there would be no ABSCAM?

A Words to that effect. He was really a tremendous part of it.

Q Did he also tell you on that occasion that Mr. Weinberg styled ABSCAM and made it come down?

A Words to that effect.

Q Did Mr. Good tell you that Mr. Weinberg had to create a lure so irresistible that the targets would come to it?

A No, Mr. Good's conversation -- he refused to answer questions. It was two or three lines on Weinberg. Mr. Good did not tell me that.

Q Did Mr. Weinberg tell you that?

A Right now, I talked to an enormous amount of people before I wrote the proposal. I don't recall Weinberg using words like that.

Q Did he tell you that in substance?

A Weinberg told me that he was -- and this was after a published report -- that he agreed with the published reports that he was a key person in this and one of the key contact men.

Q If you listen to my question I would appreciate

you answering it.

Did Mr. Weinberg tell you in substance that he had to create a lure so irresistible that the targets would come to it?

A (No response.)

Q Yes or no?

A No.

Q You are sure of that?

A Yes.

Q He never said anything like that to you?

A No, he doesn't talk in those phrases.

Q Is that the substance of what he told you, whether you prettied it up in writing or not?

A In discussions for the book, at one point I said I was reading newspapers, they are all screaming entrapment, entrapment, and Weinberg said it was not entrapment, all he did was sit there like the honey pot.

MR. BEN-VENISTE: I would ask the witness confine himself to answering questions when he answers, your Honor.

THE COURT: He did answer it.

Q Mr. Weinberg used the term honey pot?

A When I asked him about the entrapment, he said "No, we sat there like a honey pot."

Q He just sat?

A "We just sat there like a honey pot."

Q Did he ever say he wanted to make the lure irresistible?

A No.

He said, "We sat there like a honey pot." I assumed that is irresistible to flies.

MR. BEN-VENISTE: Thank you, nothing further.

THE COURT: Mr. Duffy, any questions?

MR. DUFFY: No, sir.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No.

THE COURT: Mr. Brown, any questions?

MR. BROWN: Yes.

(Continued on next page.)

CROSS EXAMINATION

BY MR. BROWN:

Q Mr. Greene, have you stated you expected FBI agents to work with you in the completion of the book?

A Pardon me?

Q Have you ever stated that you expected FBI agents to work with you in the completion of the book?

A Mr. Weinberg assured me after the trial was over he would hope to get the cooperation of FBI agents who worked on the case.

Q Did he name any?

A Not offhand.

I hope he would be able to get them all, I understand, 10, 15, 20.

Q Starting with Mr. Good?

A I hope to get the cooperation of Mr. Good after the trial is over.

I probably know Mr. Good better than Mr. Weinberg.

Q Let me ask you about this quote, "The FBI agents who work directly with Mel Weinberg in the field have agreed to exclusively provide additional details for this book."

A That is what Mel told me they would do after

the trial was over.

Q They have agreed in effect --

A He said they would provide it. He didn't tell me that he had a sit down conference. He said the guys will give us extra details after the trial is over.

Q That language you are familiar with?

A Yes.

Q Pride of authorship would indicate --

A No, I have no pride in a sales pitch.

Q Would your sales pitch -- your sales pitch does have, I assume, truthful colonels?

A To the extent of the knowledge that I had at the time that I made the sales pitch.

Q Did you in your sales pitch point out that details of the ABSCAM sting will quickly become ancient history, but the story of the man who made it happen, how he used his unique talent to make it happen, is an enduring one?

A I think that is true. The story of his life even more so than ABSCAM is quite a story.

Q That is not only a sales pitch but that is true, details of the sting will quickly become ancient history, but the story of the man who made it happen, how he used his unique talent to make it happen, is an enduring

one?

A I believe that is more enduring, the story of Mel Weinberg's life and who the person is, is more enduring than this particular scandal.

Q What are his unique talents that will live long beyond this particular episode?

THE COURT: Sustained.

A I think --

THE COURT: I sustained my own objection, Mr. Greene.

Q Can you tell us which agents have agreed, whether they sat down or not, or whatever?

MR. PUCCIO: It's been asked and answered.

THE COURT: I don't recall that one being asked.

Q Which agents?

A No,he just said the guys, to my recollection.

Q The guys who worked with him?

A I said how can we corroborate some of the things you say. He said, "I talked to the guys. They will work with you after the whole thing is over."

Q He was referring to the agents that worked with him?

A I did not ask him specifically that.

Q They could not corroborate unless they knew the details, these --

A I presume not.

Q For example, would Mr. Amoroso's name be familiar to you as one of those who would work with the creator?

A Yes, I know Mr. Amoroso worked with Weinberg. I know he testified at trial.

Q And Mr. Good's name is familiar as the chief agent?

A I know Mr. Good was the agent who was totally in charge and totally responsible for the success or whatever the ABSCAM investigation --

MR. BROWN: Thank you, sir.

MR. DUFFY: Two questions, your Honor.

THE COURT: All right.

CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Greene, you knew Mel Weinberg other than his involvement in ABSCM, did you not?

A Yes.

Q Have you ever written a book?

A I have written, yes.

Q It's been published?

A Yes.

Q How many?

A Well, I was one of three authors in a book called The Heroin Trail and was published and won a Pultzer's Gold prize --

Q How many did you write?

A I was one of the three writers.

Q Just yourself.

A In other words, not with somebody else?

Q Yes.

A None.

MR. DUFFY: No further questions.

MR. PUCCIO: No questions.

MR. BEN-VENISTE: May Mr. Greene be excused but advised in other procedures that we want him.

MR. PUCCIO: I object to this.

THE COURT: For now, Mr. Greene, you are excused. Thank you very much.

THE WITNESS: Thank you.

THE COURT: Next witness.

MR. BEN-VENISTE: Bruce Brady, your Honor.

* * *

* * *

BRUCE EDWARD BRADY, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Bruce Edward Brady.

THE CLERK: Please spell your last name.

THE WITNESS: B-r-a-d-y.

THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

THE COURT: You may proceed, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

Q Mr. Brady, you are an FBI agent?

A Yes.

Q And where were you assigned in the summer of 1979?

A The New York division of the Hauppauge Rssident Agency.

Q Did there come a time when you became involved in the ABSCAM investigation?

A Yes.

Q And I take it that you know Melvin Weinberg?

A Yes.

Q Let me focus your attention on some photographs that were supposedly taken by Melvin Weinberg.

MR. PUCCIO: I object to this, your Honor.

THE COURT: Sustained.

Q Did there come a time when you had a conversation with Mr. Weinberg with respect to photographs?

MR. PUCCIO: Same objection.

THE COURT: Relevance?

MR. PUCCIO: It is a collateral matter, Judge.

MR. BEN-VENISTE: It goes to motive, your Honor. It also goes to course of dealing with the FBI by Weinberg.

MR. PUCCIO: I object, your Honor.

THE COURT: That's irrelevant.

On the question of motive, I'll permit it. Overruled.

A Can I have the question repeated?

Q Did there come a time when vyou had a conversation with Mr. Weinberg about some photographs that Mr. Weinberg had?

A I believe I asked him once or twice.

Q Pardon me, I can't hear you. Can you speak into the microphone?

A I believe I asked him once or twice about the photographs.

Q What did you ask Mr. Weinberg and what did he tell you?

A I would have to paraphrase it but I was down in Florida after February 2nd with him.

I asked him did he take any pictures of the town house.

Q That is the town house on W Street in Washington that's been referred to in this case?

A That's correct.

Q And had you received information from some source that he had taken such photographs?

A I didn't receive information that he had taken such photographs.

The information that I received was to ask him if he took photographs.

Q I see.

And this converation took place apptoximately when between you and Weinberg?

A Any time between February 3, 1980 to I believe the end of February.

Q Sometime in February.

A Right.

Q Okay.

And what did Mr. Weinberg tell you after you asked him whether he had any such photographs?

A He stated that he had taken photographs and he reduced a negative, the camera negatives, from like a Kodak or an Instamatic type of film.

Q Let me ask you a question.

When did he say he had taken the photographs of the W Street town house and the interior thereof?

A I didn't ask him that question.

Q So you asked him whether he had taken photographs and he said he had and he produced for you a camera that had some film still in the camera?

A That's correct.

Q Did he attempt to open the camera?

A Yes, he did.

Q What did you tell him?

A I told him he should not advance the film.

He was trying to advance the film. And I also told him when you opened it to secure it enough so that the negatives were not exposed.

Q Did you have some concern that Mr. Weinberg was trying to expose the film?

A I was just taking the proper precautions

because I don't know how to operate a camera.

Q When vyou got the film what did you do with it?

A I put it in my briefcase.

Q And where was Mr. Weinberg at that time?

A He was sitting right beside me and he saw me put it in my briefcase.

Q Now, when is the next time you looked in your briefcase?

A When I arrived. To actually look? Are you saying to look for the film?

Q Yes.

A When I came back to New York.

Q What kind of briefcase was this?

A It's similar to the one that was used for one of the exhibits for the Nagra recording.

Q So it is sort of an attache case?

A In fact, it is placed right there.

Q Referring to Exhibit 16.

A The exact same thing, yes.

Q Okay.

Did you leave that briefcase in Mr. Weinberg's vicinity during the time that you were in Florida?

A Yes.

Q And when you looked in the briefcase when you got to New York did you find the film?

A No.

Q To your knowledge was Mr. Weinberg confronted with the possibility that he had removed the film from your briefcase?

MR. PUCCIO: I object to that.

THE COURT: Sustained.

A I did not --

THE COURT: I sustain the objection.

You don't have to answer it.

Q Did you personally confront Mr. Weinberg?

A No. I left that up to my superiors.

Q Now, did there come a time-- strike that.

Did you see Mr. Weinberg in January of 1979?

A In January of 1979?

Q Yes. I'm sorry, January of 1980.

A Yes.

Q Did you on occasion meet Mr. Weinberg at the airport on January 23, 1980?

A I can't tell you on that exact date but I know I picked Mr. Weinberg up sometime during January.

Q There was an indication that Mr. Weinberg

had said that some tapes had been removed from his luggage.

Are you familiar with that?

A Yes.

Q And were you present at the airport on that occasion?

A I picked him up on that day.

Q And were you present at the luggage retrieval area?

A Yes.

Q What luggage had been checked on the airplane?

A I think there was an overnight bag and there was some sort of a carry bag, a carry valise.

Q And what did Mr. Weinberg tell you?

A Once again I am just paraphrasing it.

Mr. Weinberg didn't say anything at the airport concerning what you are talking about, the tapes.

Q When did he tell you that some tapes were removed from the luggage?

A We proceeded to the JFK Hilton and Mr. Weinberg likes to smoke his cigars and he went to check for his cigars and at the same time he noticed he lost his cigars.

And he says the tapes were stolen.

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Q All right.

Where did he tell you that he had placed the tapes?

A Inside the briefcase. Itvwas a multi-zippered -- I should say suitcase.

Q And when you say inside did he identify a compartment?

A To my recollection I don't think he did.

Q And did he say anything about the cigars that were taken?

A He was very disappointed that his cigars were stolen.

Q How many cigars did he say that was taken?

A I think he classified it as a bundle.

Q One bundle?

A Yes, which was 25 cigars.

Q One bundle of 25 cigars.

How many tapes did he say were missing?

A I believe he said about four or five.

Q Four or five he said?

A Yes.

Q Did you write up a report at that time, sir?

A I did not.

Q Were you told not to?

A No.

Q Did you have any conversation about whether you should write up a report concerning this missing evidence?

A No.

Q Was someone else delegated to that?

A I think my supervisor was there.

Q Who is that?

A John Good.

Q So as far as you were concerned if he wanted a report writtgen up he would attend to that or delegate that responsibility?

A Yes.

Q Now, were there any other tapes in Mr. Weinberg's possession on the 23rd?

A don't recall.

Q Did he say in substance, all the tapes I had had been stolen out of the briefcase or did he say some of the tapes?

A I don't know if he said all of them or some of them.

I don't recall at that period of time. My position was not to take control of the tapes. I knew they wer stolen and after my supevisor, John Good,was

made aware of it I had other things to be done that day.

Q All right.

Whose job was it to be concerned with receiving tapes from Weinberg?

A Sometimes it was my concern and sometimes it was special agent Bursey, sometime Mr. Amoroso took care of them.

Q How about on the 23rd? Whose responsibility was it on that occasion?

A I don't know.

Q Insofar as -- strike that.

Now, in terms of the luggage itself so I am clear, sir, you say Weinberg told you that one bundle of cigars plus four or five tapes had been removed from the inside of the suitcase.

Was it a multi-zippered suitcase?

A Yes.

Q And what compartment if he identified it were the tapes and cigars removed from?

A I told you I was not sure which department they were removed from.

Q You don't recall what he told you if he told you?

A I don't recall if he told me.

MR. BEN-VENISTE: Nothing further.

THE COURT: Mr. Duffy.

MR. DUFFY: May I,sir?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Your name is Brady?

A That's correct.

Q B-r-a-d-y?

A That's correct.

Q Have you ever met the mayor's nephew, Joey?

A Yes, I did.

Q Were you the fellow who was sort of the chauffeur in the ABSCAM at one time?

A Initially, yes.

Q Were you at the Hyatt House in the summer of '79 at any time?

A I probably was.

Q With Mel and Tony?

A Morethan likely I was.

Q Did you see Joey there?

A On occasion.

Q Were you held out as one of the board of directors of Abdul Enterprises?

A No.

Q Did Joey ever callyou Bradley?

A That was the undercover name I was using. Whether he called me it or not I don't know.

Q So Brady is Bradley in he ABSCAM?

A That's correct.

Q Did you also sign the paychecks that were distributed in Abdul Enterprises?

Q I had the authority to sign the checks and I did sign most of them but there were some other people who had the authority to sign the checks.

Q To satisfy my curiosity, weren't you in earlier in the trial with some financial records?

A That's correct.

Q Weren't you one of the finance men in Abdul Enterprises?

A I handed the accounts of Abdul Enterprises from March 1979.

Q Is your school background accounting rather than law?

A That's correct.

Q Did you tend to pay Mel?

A Yes.

Q Were there any taxes withheld from his wages?

A No.

Q Now, you say agent Good -- by the way, he was the boss at Hauppauge, is that correct?

A Yes.

Q And that is your agency over there?

A Yes.

Q And when he found out that Mel said some tapes were missing, did he tellyou not to do a 302 report on it?

A If my recollection is correct, I think he proceeded to all down to a resident agency down in Florida to have them check the airport.

Q Would you answer my question, agent Brady, which is, did agent Good tell you not to do a 302 report on the incident with Mel claiming that the tapes were lost?

A John Good didn't instruct me either way.

Q Well, you were the agent who traveled with him, were you not?

A On all occasions?

Q No.

A I travleled with him now and then, yes.

Q And you knew on that occasion that he was claiming some tapes were missing, did you not?

A Yes.

Q And you were in on the operation, were you not?

A Yes.

Q And the routine procedure, the required procedure in the Federal Bureau of Investigation is for an agent to do a 302 report when any significant incident occurs, is that right?

A But my superior would be --

Q Answer my question to the jury.

A Can you repeat it?

Q It is the policy , rather strictly enforced, in the bureau, is it not, that when an agent is engaged in some operation of whatever kind, and a significant event or incident occurs, he is to prepare a 302?

A I don't know if that is correct.

Q How long have you been an agent?

A Four years.

Q Four full years up to today?

A In excess of four years up to today.

Q So you were close to four years last January?

A To be exact it is four yeasr this past June.

Q Are you telling the jury that you don't know

whether you are supposed to do a 302?

A At that time there was no necessity for me to do a 302 because my superior was there.

He took command of the situation and it wasup to him to delegate authority on who should do what.

Q What other agents were there?

A I believe Mr. Amoroso was there.

Q Anybody else?

A My recollection is not that good but possibly Mr. Haridopolos.

Q You didn't do a 302 so it would not help your recollection today, is that correct?

A That's correct.

Q So can I fairly say that Good was there and Tony Amoroso was there?

A Yes.

Q And if there is a 302 one of them did it, is that right?

A If there is a 302?

Q Yes.

A Yes.

I guess that would be a fair statement.

Q Is there in fact a written report of what

happened when the tapes are alleged to hvae been lost or stolen?

Have you seen it?

A I have not seen it.

Q Do you know if there is one?

A I don't know.

MR. DUFFY: That's all.

THE COURT: Mr. Cacheris.

MR. CACHERIS: No.

THE COURT: Mr. Brown.

MR. BROWN: One question.

CROSS-EXAMINATION

BY MR. BROWN:

Q You took over for Mr. McCarthy as financial agent for Abdul, is that correct?

A That is not correct.

Q You took over in March?

A March '79.

Q Who was your predecessor?

A Special agent Daniel Melore.

Q Malloy?

A Melore.

Q I see.

Was McCarthy still on board then in ABSCAM?

A In March? Yes, he was.

MR. BROWN: Thank you.

THE COURT: Mr. Puccio, any questions?

MR. PUCCIO: Just a couple, Judge.

CROSS-EXAMINATION

BY MR. PUCCIO:

Q Mr. Brady,were you at the Iron House in Cherry Hill on August 7th and 9th, 1979?

A In most likelihood I probably was.

Q Were you also thre September 14th?

A I was traveling with special agent Amoroso and Mr. Weinberg extensively at that time so I probably was.

Q Would you look at this list and see if it refreshes your recollection as to --

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q -- as to whetheror not you were at Cherry Hill in August and September?

THE COURT: For the record is the document you have given to the witness the list of tapes?

MR. PUCCIO: Yes, your Honor.

(Pause.)

A I can see from the tapes that in September

I was because my initials are in one of the overhears. And knowing that the meeting that took place on August 22nd at the International Hotel where Mr. DeVito and Mr. Weinberg met Mr. Myers, I know I was down in -- I can remember I was down in Cherry Hill down at that time preceding that.

Q Would that be the Auust 7th and 8th meetings?

A Yes.

Q All right.

Were there any other meetings in August or September in Cherry Hill that you attended?

A There was one meeting and I don't know the date, that I did attend.

But I always attended it in a very casual fashion, not as a major participant.

Q And that was in August or Sepember?

A I would believe so.

MR. PUCCIO: No further questions.

THE COURT: Any other questions for Mr. Brady?

MR. BEN-VENISTE: Yes, your Honor, one or two.

Q Were you in charge of actually approving Mr. Weinberg's expenses or was somebody else involved in that?

A I was delegaged to go over Mr. Weinberg's expenses, and being the accountant and being responsible for monies that were distributed,I did look them over and make a judgment.

Q Who made the determination that Weinberg was to be reimbursed for his clothing and his haberdashery?

A I would consider that myself and I made my supervisor aware of it.

Q So you approved if Weinberg went out and bought a suit that that be considered an expense and you paid him for it?

A Providing that I notified my supervisor of what I was going to do.

Q So the ultimate decision was Mr. Good's?

A Yes.

Q And were there other items where you sought Mr. Good's approval before you would pay Mr. Weinberg?

A Rather than approval I just made him aware of what I was doing.

Q With respect to tax returns, were you aware of the fact that Mr. Weinbdrg viled no tax return for

1979?

MR. PUCCIO: I object, Judge.

THE COURT: I will let him answer.

Overruled.

A I became aware of that recently.

Q How recently?

A I think sometime in February.

Q And between February and now -- well, the tax return wasn't due until March 1980 -- I am sorry, April 1980; is that right?

A According to the regular principles, yes.

Q Well, did somebody tell Mr. Weinberg as far as you know that he was not going to have to file a tax return for 1979?

A No.

Q And did you know that Mr. Weinberg had filed no tax return for 1978?

A I did not know that.

Q This is the first you learn of it?

A Today?

Q Yes.

A No.

From your questioning and from what I have seen in the papers and in the office from the questions,

you know, things that happen in the office, I became aware of it.

Q So I take it there was no indication as far as you know that someone had excused Mr. Weinberg from filing his taxes in 1978?

A Definitely not.

Q Do you know that he filed any tax returns in 1977?

A No. I don't know whether he did or he didn't.

Q Do you know whether he filed one for '76 or '75?

A I don't know one way or another.

Q Have you or anybody in the office made any effort to find out --

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

MR. BEN-VENISTE: Nothing further.

THE COURT: Any questions for Mr. Brady?

(No response.)

THE COURT: Thanks, Mr. Brady, you may step down. Next witness.

MR. BEN-VENISTE: Your Honor, the next witness will probably go on for a bit.

THE COURT: Side bar.

I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MICHAEL MYERS		2892	3025	3028
JOSEPH DI LORENZO	3065	3082	3109	3114
DEBRA PROCACCI	3124	3127		
MICHAEL DUFFY	3130	3142	3165	
ROBERT W. GREENE	3166	3174		
BRUCE EDWARD BRADY	3180	3190		

EXHIBITS

DEFENDANT'S	DESCRIPTION	IDEN.	EVID.
T-1 to T-10	Transcripts of tapes		3060
T-13	" " " " " " " " " " tape		3064
Y,Z	Document		3076
U	" " " " "		3159

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of	)	
	)	Investigation Pursuant to H. Res. 608
Representative	)	
	)	
MICHAEL O. MYERS	)	

Appendix to Special Counsel's Preliminary Inquiry Report

Volume IV

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

80 CR 00249

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 27, 1980
9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICOZZI
OFFICIAL COURT REPORTER

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Strike Force
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* * *

* * *

You may proceed. We are on Mr. Ben-Veniste's case.

MR. BEN-VENISTE: Yes, your Honor.

We would call Agent McCarthy.

J O H N Mc C A R T H Y, called as a witness, having been first duly sworn by the Clerk of the Court, took the stand and testified as follows:

THE CLERK: Please state your full name?

THE WITNESS: John McCarthy.

THE CLERK: Will you spell your last name for the record.

THE WITNESS: M-c C-a-r-t-h-y.

THE CLERK: Please be seated.

THE COURT: All right, Mr. Ben-Veniste, you may proceed.

MR. BEN-VENISTE: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Agent McCarthy, you are an agent of the

FBI?

A Yes, sir.

Q How long have you been an agent for the FBI?

A 18 years.

Q And in 1977 where were you stationed?

A I was assigned to the Bablylon resident agency of the Federal Bureau of Investigation out of the New York office at that time.

Q And at that time did you have occasion to meet a man by the name of Melvin Weinberg?

A Yes, sir.

Q Under what circumstances did you meet Mr. Weinberg?

A I arrested him at his office at London Investors for mail fraud by wire on a warrant issued out of the Western District of Pennsylvania.

Q And he was subsequently charged in an indictment out of Pennsylvania?

A Yes, sir.

Q And he pleaded guilty to all the counts of that indictment, did he not?

A Yes, sir.

Q Then he was sentenced to three years imprisonment?

A Yes, sir.

Q Was there a secret deal when he was sentenced to th three years of imprisonment that the Judge didn't really mean what he said?

MR. PUCCIO: I object to the form of the question.

THE COURT: Sustained.

Q Was there a secret deal at the time that the Judge sentenced him in the Pennsylvania case?

MR. PUCCIO: Same objection, Judge.

THE COURT: Overruled. You may answer.

A I don't understand what you mean by secret.

Q In other words, the Judge stood up and sentenced Mr. Weinberg to three years of imprisonment? Do you recall that?

A I recall being in the Judge's chambers.

I don't believe I was in the Courtroom at the time of sentencing. So I wouldn't know from my own personal knowledge exactly--

Q But you learned that he was sentenced to three years?

A Yes, sir.

Q And then subsequently the sentence was reduced to probation?

A On application of the defendant's attorney, yes sir.

Q Right.

And what I am asking you is whether at the time that he was sentenced to the three years you understood that he was guaranteed a reduction in that sentence?

A Well, the way I recall the incident, Mr. Ben-Veniste, was that we had discussed -- we had discussed with the Judge Mr. Weinberg's possible cooperation with us.

He said, if I remember correctly, that he was bound by whatever the probation report recommended. And at that time I think the probation report recommended three years imprisonment. He would take into consideration possibly an application for reduction of sentence perhaps a month later. But at the time he was bound by what was said in the probation report.

Q So that as of that date that he sentenced Weinberg to the three years he meant three years?

A As far as I know he did, yes sir.

Q Nobody told Weinberg he didn't mean three years?

MR. PUCCIO: I object.

Q As far as you know?

A I didn't tell him.

Q Now, there came a time when Mel Weinberg was used in an undercover capacity in ABSCAM?

A Yes,sir.

Q And you worked with him in that capacity as well?

A Yes, sir.

Q Incidentally, did you debrief Mr. Weinberg in connection with the Pennsylvania guilty plea?

A What do you mean by debrief?

Q Well, after he had agreed to plead guilty and cooperate with the FBI, did you debrief him about his knowledge as to various matters?

A Well, I still don't understand -- do you mean did I ask him --

Q Did you question Mr. Weinberg?

A Did I question Mr. Weinberg about his activities in connection with London Investors?

Q Yes.

A I believe so, I did, yes.

Q Did you question him about his activities in matters that preceded the London Investors scam?

A No, sir.

Q Did he volunteer any information about his

activities?

A No, sir.

Q Did you question him about other persons who were involved in the London Investors scam?

A No sir, not directly, no. Much of the information that Mr. Weinberg furnished me about the London Investors was strictly gratuitous. In other words, there was no question and answer dialogue after he had been convicted, you know, the reason for it.

Q Well, let me ask you this, were you aware that Mr. Weinberg had franchised that scam to a bunch of other con men all over the world?

A No, sir.

Q Would that have been a matter of interest to the FBI?

A Th interest of the FBI would be the victims of the scam.

Q You were not interested in prosecuting the people who were involved in the scam?

A Yes, I was.

Q With Mr. Weinberg?

A The only one that came up was the main character in London Investors, which was Mr. Weinberg.

Q So as far as what Mr. Weinberg told you, the

London Investors scam was limited to his involvement and that of his girl friend, Miss Knight?

A As far as I was concerned, yes sir.

Q So if Mr. Weinberg says that he spent three days talking about all of the things he did in the past prior to London Investors, as far as you know is not true?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Do you know of any report of a debriefing of Mr. Weinberg wherein he laid out his lifelong criminal history?

A No, sir.

MR. PUCCIO: I object to it,your Honor.

THE COURT: Overruled.

Q Now, you knew at least on the basis of the London Investors scam that Mr. Weinberg was a con man?

A Yes, sir.

Q Did you know, incidentally, anything about his tax situation at the time that you employed him in the ABSCAM investigation?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Well, did you ever talk to Mr. Weinberg about

his tax situation?

MR. PUCCIO: Objection, your Honor.

THE COURT: It is irrelevant. Sustained.

Q Well, are you aware now that Mr. Weinberg has not filed income taxes for '79 and '78?

MR. PUCCIO: Objection.

THE COURT: Still irrelevant. Sustained.

Q Did you ever promise Mr. Weinberg that he would not be prosecuted in connection with the filing of income taxes?

MR. PUCCIO: Judge, I object.

THE COURT: No. I will let that one stand. You may answer.

A No sir, I never promised him anything.

Q As far as you know did anybody in the FBI promise him anything?

A No, sir.

Q Was that because you didn't know he had in some way violated the IRS regulations?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Did you think that Mr. Weinberg was the kind of guy that you would want to keep your eye on, Mr. McCarthy?

A I don't know what you mean by keeping my eye

on him.

Q Well, you knew he was a con man?

A Yes, sir.

Q You knew at least on the basis of what he told you about London Investors that he had swindled people out of about a quarter of a million dollars?

MR. PUCCIO: I object to that, your Honor.

THE COURT: Sustained.

Q You knew he was a big league swindler, didn't you?

MR. PUCCIO: I object to that, your Honor.

THE COURT: Do you know what that term means?

THE WITNESS: No sir.

I would like him to explain it.

Q All right, let's put that in the region of a quarter of a million dollars for the purposes of one scam?

A I knew he was a good con man obviously from his record. But there are other con men who were just as good.

Q You would not rank him first in the world?

MR. PUCCIO: I object to this,your Honor.

THE COURT: Sustained.

Q Now, did you think that employing Mr. Weinberg

services when he came up with the idea of ABSCAM that you ought to keep an eye on him, sir?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Did you supervise Mr. Weinberg at some period in the ABSCAM investigation?

A Yes, sir.

Q And did you work closely with him?

A Yes, sir.

Q And at some point you were relieved of your undercover responsibilities in that case?

Is that right?

A Yes, sir.

Q And when was that?

A On or about March 31, 1979.

Q And Agent Amoroso took over what you were doing basically? Is that fair to say?

A Yes, sir.

Q Now, was there any question in your mind, sir, that if you found that Mr. Weinberg was engaged in anything improper or illegal that you would not hesitate to lock him up again?

A Will you rephrase the question? Will you restate the question?

Q Was there any question in your mind, sir, that if you found out that Mr. Weinberg was engaged in anything improper or illegal that you would not hestitate to lock him up again?

A Yes, sir.

Q There was a question in your mind?

A No, there wasn't a question.

Q And that was made clear to Mr. Weinberg, was it not?

A Yes, sir.

Q And have you learned that Mr. Weinberg withheld certain information from you?

A No, sir.

Q Did you know that Mr. Weinberg had made a tape recording of a conversation with an individual named Meltzer?

A Yes, sir.

Q Had he turned that tape recording over to you, sir?

MR. PUCCIO: Objection, your Honor, irrelevant.

THE COURT: Sustained.

Q Did anyone explain to you, sir, the reason why you were being replaced by Mr. Amoroso?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

MR. BEN-VENISTE: Can we get a yes or no, your Honor?

MR. PUCCIO: Same objection, irrelevant, your Honor.

THE COURT: Sustained.

MR. BEN-VENISTE: May I argue that at the side bar, your Honor, on the question of relevance. I do not want to do it improperly if it is in front of the jury.

THE COURT: I will hear you at side bar.

MR. BEN-VENISTE: Thank you.

(Continued on next page.)

* * *

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Q Mr. McCarthy, you were aware, were you not, of certain FBI guidelines regarding the evaluation and control of informers, were you not?

A Yes, sir.

MR. PUCCIO: I object to it, your Honor.

THE COURT: I am sorry, I missed the question.

MR. BEN-VENISTE: I believe the witness answered the question in the affirmative, your Honor.

The question was that you were aware, were you not, that there were guidelines regarding the evaluation and control of informers.

MR. PUCCIO: I object to it as irrelevant, Judge.

THE COURT: Sustained.

Q Did there come a time in the course of the ABSCAM investigation, Mr. McCarthy, where you represented yourself as being an advisor to the Kennedy family of Massachusetts?

A No, sir.

Q Never happened, sir?

A No, sir.

Q Did you ever hear that you had been so characterized by others in the investigation?

A I heard that, yes sir.

But that wasn't true, no sir --

Q In other words, you didn't make the representation yourself?

MR. PUCCIO: Objection. Asked and answered.

THE COURT: Overruled.

Is that correct?

THE WITNESS: Excuse me, Judge, I wasn't listening.

THE COURT: You didn't make the representation yourself?

THE WITNESS: No, sir.

Q But someone had made the representation about you?

MR. PUCCIO: Objection.

MR. BEN-VENISTE: As far as he knows.

MR. PUCCIO: Same objection.

THE COURT: Is that what you heard?

THE WITNESS: I heard something to that effect, your Honor.

MR. BEN-VENISTE: Nothing further.

THE COURT: Mr. Duffy. Any questions?

MR. DUFFY: Just a few your Honor.

CROSS EXAMINATION

BY MR. DUFFY:

Q Agent McCarthy, would you say you look like a cop?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Do you remember an agent named --

MR. DUFFY: No offense, sir.

Q (Continuing) Do you remember an agent named Margo Kennedy?

A Margo Kennedy? I don't know how to answer that because that is not her name.

I know an agent named Margo, yes.

Q Did she use the name Margo Kennedy?

A Yes, sir.

Q And her real name was Dennedy?

A Yes, sir.

MR. DUFFY: And I don't know how to spell it.

Q Did she represent herself to be plugged in with the Kennedy family?

MR. PUCCIO: Objection.

Q (Continuing) The Kennedy family people?

THE COURT: I will permit it. Overruled.

A No sir, she never did.

Q Have you heard that others in the investigation attributed that relationship to her?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q And let's go back to Pittsburgh.

You say that you conducted no debriefing of Mel Weinberg for three days or any period of days, is that right?

A Yes, sir.

Q I think I heard you say that he gratuitously told you some things about London Investors?

A Right.

Q Would it be fair to say that Mel Weinberg told you whatever he wanted you to know about London Investors?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q You were at that time in the business of apprehending and arresting criminals, were you not?

A Yes, sir.

Q Are you telling this jury that when the arrangement or the deal was made with Mel Weinberg to get probation that you were not at all interested in any other parties who might have been sharing in Mr. Weinberg's guilt

in the scam that he had just brought forward?

MR. PUCCIO: Objection.

THE COURT: You understand that question?

THE WITNESS: No, I would like him to repeat it.

MR. DUFFY: Well, I will withdraw it and ask another.

Q Didn't you know when you arrested Mr. Weinberg and you got into the investigation that he didn't do a solo in this London Investors thing?

That he had help?

A Yes, sir.

Q And you knew that one of his helpers was Lady Evelyn Knight, did you not?

A Yes, sir.

Q And she got probation, didn't she?

A Yes, sir.

Q In fact she wasn't even prosecuted, was she?

A She plead guilty.

Q Didn't she get deferred prosecution?

A Not that I am aware of. She plead guilty.

Q She didn't go to jail?

A No.

Q Now, you knew also that there were other

people involved in the London Investors scheme, did you not?

A Yes, sir.

They were tried in other districts.

Q Who were they?

A I'm not aware of them because most of the United States Attorneys throughout the country deferred in favor of prosecution in the Western District of Pennsylvania.

Q And the only two prosecuted in the Western District of Pennsyvlania were Mel and Lady Evelyn Knight?

Is that right?

A Yes, sir.

Q Now, you became aware that Weinberg had run this scam and you got to work with him in the Abdul Enterprises, is that right?

A Yes, sir.

Q Would you characterize Weinberg's role in Abdul Enterprises and his role in what we now call the ABSCAM to be the very heart and soul of the scam?

A That is hard to say, sir.

There were an awful lot of people associated with ABSCAM.

Q Did you have some disagreement with Mel along the way particularly before March 31, 1979?

A Any disagreement at all?

MR. PUCCIO: Same objection, your Honor. Irrelevant.

THE COURT: I will let him answer it. Overruled.

A I don't know what you mean by disagreement.

Q I don't know another word that is more clear, sir.

A I think everybody has disagreements from time to time. No major disagreement, no.

(Continued on next page.)

Q I want you to tell the jury whether you had some disagreements with Mel Weinberg?

A I didn't have any major disagreement with Mr. Weinberg.

Q But you wound up being taken off the investigation?

MR. PUCCIO: I object, your Honor.

THE COURT: That has been asked and answered.

Q Back at that time in '79 were you working closely with any Government lawyers in this investigation?

A Yes, sir.

Q Who was the lawyer who was in charge?

A Mr. Jacobs.

Q Who?

A Mr. John Jacobs.

Q Where does he work?

A Here in the Eastern District.

Q In which office?

A Strike force.

Q Who was his boss?

A Mr. Puccio.

Q Who was in charge of the ABSCAM investigation during all that period of time?

A Do you mean my supervisor?

Q No, who was running it?

What lawywer?

MR. PUCCIO: I object as being irrelevant.

THE COURT: Sustained.

Q Mr. Puccio was the boss, was he not?

MR. PUCCIO: Objection, Judge. Asked and answered.

THE COURT: Sustained.

MR. DUFFY: That is all.

THE COURT: Mr. Brown.

(Continued on next page.)

MR. BROWN: May I question from here, your Honor.

CROSS EXAMINATION

BY MR. BROWN:

Q Mr. McCarthy, you are -- did you have a name in the operation?

A Yes.

Q You had a name in the operation, is that correct?

A Yes.

Q What was that?

A John M. McCloud, M-c C-l-o-u-d.

Q Were you the first agent assigned to commence the operation that became known as ABSCAM?

A Yes.

Q When was that, sir?

A I guess in July, 1978.

Q July '78?

A Around there. We officially began.

Q Was Mr. Weinberg associated with it from the beginning?

A Yes.

Q Actually he started July '78, is that correct?

A Officially, yes.

Q There came a time when you met Mr. Errichetti?

A Yes.

Q What month was it that you met him?

A The first time I met Mr. Errichetti was Decmeber 1, 1978.

Q From then on you came to know him rather well?

A Yes.

Q Until March?

A March 31,1979, yes sir.

Q In that period, you were known to him as Mr. McCloud, of course, in what context, Mr. McCloud representing whom?

A I was the Chairman of the Board of Abdul Enterprise.

Q You represented -- there was a Sheik at the head of it?

A The title was --

Q Let me ask you.

What did you say was the situation?

A Our company represented a Middle Eastern Emir.

Q What is that?

A An Emir is a Middle Eastern Prince or Military

Council or Leader.

Q He had -- was there a gentleman represented as a Sheik during your tenure.

A Yes.

Q In addition to the Emir?

A Yes.

Q What was the name of the Emir?

A Kamine Abdul Ramon.

Q And the Sheik?

A Yassir Abeed.

Q There was an Emir and a Sheik?

A Yes.

Q Did that ever change so we had two Sheiks instead?

A Not to my knowledge.

Q When you represented yourself as being asociated with this Empire, what did you offer to Mayor Errichetti in terms of a transaction to deal with this?

A Bascially we said we were interested in investing in projects which would not only get the money from the Middle East, but once the money was placed to get a good return on this money.

Q Did you also suggest to him, an urge, that the money be used for legitimate City projects, like the

port?

A He suggested that to us.

Q Legitimate?

A He suggested it.

Q What happened to that suggestion?

A That suggestion?

Q Yes.

A We considered it. We made several trips to Camden to see the feasibility of it.

Q All this is as far as the Mayor was concerned, good ernest, good faith and legitimate?

A I guess so.

Q That is what you represent?

A Yes.

Q He was interested in that for his City?

A I don't know what his intention was.

Q He wanted to develop the Port of Camden?

A Yes, he suggested that.

Q During this period, did you in any way infer you were a friend of the Kennedy family?

A No, sir.

Q Didn't you mention the Kennedy family at all?

A I personally mentioned the Kennedy family?

Q You or your fellow operatives in the scheme of thins?

A Did they mention the Kennedy name?

Q Yes.

A I don't recall whether they did or not.

Q You wouldn't say yes or no?

A No.

Q What about Margo Kennedy, she's an FBI lady?

A Yes.

Q Do you know why the Margo Kennedy was selected since that wasn't her true name?

A I believe she used that name before.

Q Used --

A She had identification.

Q Was there any suggestion or inference made to your knowledge that she was in some way associated with the Kennedy family?

A No,sir.

Q That sas just accidental?

A Yes, sir.

Q As time went on, you enjoyed the Mayor's hospitality from time to time?

A Yes.

Q On one instance in January, February, you

stayed at the Hyatt House?

A Yes.

Q That was an incident that involved you and Margo in a particular way, didn't it?

A (No response.)

Q You were supposed to be checked in the same room?

A In the Hyatt House?

No, sir.

Q Was there a hotel where you and she were supposed to be sharing the same room?

MR. PUCCIO: I object to this.

MR. BROWN: I want to go into the issues. We can have a side bar.

MR. PUCCIO: I will withdraw the objection.

THE COURT: All right. You may answer.

A At Cherry Hill is that?

Q Yes.

A There was a suite, yes. A two bedroom suite.

Q Where was it that you shared -- at Atlantic City or Cherry Hill -- allegedly shared the suite with Margo?

A I never shared a suite with Margo.

Q Allegedly, proposed --

MR. PUCCIO: Objection.

THE COURT: Sustained as to form.

Q Was there an occasion where in the course of the plan or design you on the surface and for appearance sake checked into the same room as Margo at a time when the Mayor paid for the room?

A I was at Atlantic City with Margo Kennedy.

Q You allegedly checked into the same room?

A Yes.

Q Was that designed to deceive the Mayor for some purpose?

A It wasn't a two-bedroom suite. The original plan called for a two-bedroom suite at Atlantic City and Cherry Hill. Unfortunately, in this particular Holiday Inn they didn't put it in.

Q You couldn't take a separate room?

A I stayed with another individual.

Q You snuck down the back stairs?

A No.

Q Was all of this to deceive the Mayor?

A No.

Q You were certainly not going in there dealing with him on the basis that you represented yourself -- withdrawn.

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You were under false colors for the purpose of your operation, right?

A There are certain things that I can get into. Actually the Mayor had made representations to me which bordered on Federal violations.

Q You were -- I didn't ask you that.

You were operating under false cover?

A Yes.

Q You had a false name?

A Yes.

Q That is all I am asking. I am not asking why you did it.

This was for your purpose as a Federal Officer?

A Yes.

Q You were continued to masquerade for some time for you purposes as a Federal Officer, is that correct?

A Yes.

Q Throughout the period when you masqueraded, you represented yourself as a legitimate businessman and friend, is that correct?

A As a legitimate businessman and friend.

Q You cultivated his friendship as well?

A Yes.

Q Whatever the reasons as a Federal representative, you operated under false color and name?

A Yes.

Q This was part of the design ultimately to continue this representation, Abdul Enterprise is a legitimate outfit with plenty of money?

MR. PUCCIO: Objection. There are two questions.

THE COURT: Sustained as to form.

Q As long as you were involved up until March, you represented yourself for your purposes as someone you were not, right?

A Not really entirely. A lot of the background we reported to Mr. Errichetti was true.

Q Did you say to him I am really Mr. McCarthy, McCloud, representing a fake Emir and Sheik and I am a Federal Officer doing my job?

A No, I didn't say that.

Q You didn't do that?

A No.

Q To that extent, you did falsely represent --

A To that extent.

Q That was by design or plan?

A (No response.)

Q To continually falsely represent?

A Not continually.

Q When did you not continuously --

A There were certain parts of my background I gave to Mr. Errichetti that were true.

Q Like what?

A I was an attorney, that I had some contacts in the Boston area which was true, my family originally comes from up there.

Q You didn't mention the Kennedys?

A No.

Q What was the relevance of Boston? What was that supposed to --

A A place to come from.

Everybody has to have a home.

Q So you represented yourself as a real person and really came from somewhere, right?

MR. PUCCIO: I object.

Q Beyond that, everybody else was false?

A As far as my association -- yes.

Q Of course.

When you replied to Mr. Duffy, you heard someone saying you were associated with the Kennedys --

A I heard that.

Q Who did you hear that from?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. BROWN: This is part of it, if I may.

THE COURT: He didn't object the first time, the second time he objected. I sustained it as irrelevant.

Just because you had one irrelevance in, doesn't let you compound it.

MR. BROWN: I would expect to argue --

THE COURT: I heard it all at side bar so many times. Objection is sustained.

MR. BROWN: Your Honor, you say that I cannot have a side bar?

THE COURT: On that point, it is unnecessary.

Go on with the case.

Q As far as the case is concerned, when you left in March, you were still misrepresenting yourself except you were a lawyer and came from somewhere, everything else was --

MR. PUCCIO: Objection.

THE COURT: Sustained as to form.

Q Was it a part of the design to have Mel

Weinberg display his lack of loyalty to his employer, that is to say, Abdul, for the purpose of the scheme or design?

MR. PUCCIO: I object.

THE COURT: On what ground?

MR. PUCCIO: Relevancy.

MR. BROWN: There has been testimony which I can call to your attention.

THE COURT: Overruled.

Do you understand what he is asking?

THE WITNESS: No.

Q Did there come a time when it was part of the scheme that Mr. Weinberg was to represent that he was not entirely loyal to his employer, alleged employer, the Sheik, but was willing to help take some of those Arab dollars away from him?

A I was aware of that, yes.

Q You were aware of that?

A Yes.

Q You were aware of the fact this became a part of the design to sell the objects of the game, Weinberg was to say: I will work with you guys and we will rip off the Sheik a little bit?

A Yes.

Q When was that design put into effect?

A I don't recall.

Q Would you say before you left?

A There was some talk about it, yes.

Q Weinberg did actually put that into effect, did he not?

A I don't know from personal knowledge. I wasn't there when he actually misrepresented or represented or whatever he did in that particular line with others.

Q Let me call it the -- take the goose that laid the golden egg idea --

MR. PUCCIO: I object to the statement.

THE COURT: Sustained.

MR. BROWN: If your Honor pleases, that is part of the evidence.

THE COURT: Ask questions.

MR. BROWN: I am asking.

THE COURT: You're making a statement.

Q Did you ever hear the phrase: "The goose that laid the golden eggs, let's get a piece of it?"

A No.

Q Did you ever hear Weinberg say he is going to say he is disloyal to the Sheik?

A Yes.

Q Where did you hear -- you said you heard it --

before you left?

A From others.

Q You heard it from others?

A Yes.

Q When you finally left ABSCAM in March '78, that particular phrase of the operation had not been put into action, is that correct?

A I don't recall.

I don't recall whether it had or not.

Q You are aware thereafter it was put into action?

A From personal knowledge, I heard about it, yes.

Q So that you know from whatever source --

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Did you hear these facts that he is doing it this way --

MR. PUCCIO: Same objection.

THE COURT: Sustained.

Q You said you did indeed hear such a plan was put inton effect, is that correct?

MR. PUCCIO: Objection as to what he heard, Judge.

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THE COURT: You didn't object before when he asked a question. When he said he heard it.

What is the next question.

MR. BROWN: I beg your pardon?

THE COURT: What is the next question?

Q Did you hear this from Weinberg personally or agents of the FBI or Government?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q From whom did you hear it?

MR. PUCCIO: Same objection.

THE COURT: Sustained.

Q Isn't it a fact that you as the agent, you were the agent in control until March '78?

A Yes, sir.

Q You do know the idea was conceived prior to your leaving?

A I understand that, yes.

Q Weren't you the agent in control?

MR. PUCCIO: I object, asked and answered.

THE COURT: Sustained.

Q As the agent in control, didn't you have anything to do with whether or not this was a proper and decent approach towards the project?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. BROWN: I have no further questions.

THE COURT: Do you have any questions, Mr. Puccio?

CROSS EXAMINATION

BY MR. PUCCIO:

Q Mr. McCarthy, were all of your dealings with Mayor Errichetti legitimate ones?

A No, sir.

MR. BROWN: I object. I've asked about nothing but legitimate dealings.

THE COURT: Overruled.

Q Now, on January 20, 1979, did you in fact --

MR. BEN-VENISTE: Objection.

MR. BROWN: May I have a side bar?

THE COURT: Side bar.

(Continued on next page.)

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(The following took place in open court.)

THE COURT: Any other questions?

MR. PUCCIO: No further questions.

THE COURT: Any other questions of Mr. McCarthy?

MR. DUFFY: My daughter reminded me that I did forget something. I would ask permiss to re-examine.

THE COURT: Proceed.

CROSS-EXAMINATION

BY MR. DUFFY (Cont'd):

Q Agent McCarthy, you answered Mr. Ben-Veniste about Pittsburgh and the meeting with the Judge, do you recall that?

A Yes.

Q Is it your testimony that the Judge -- when was the meeting with the Judge, at which the probation report

was discussed?

A Sometime in December of '77.

Q Can you estimate it in connection with the day he was sentenced? Was it before sentencing or the same day?

A The same day.

Q That day the probation report suggested or recommended imprisonment, did it not?

A I didn't see the probation report.

Q But the Judge told you that he followed the report?

A He said he was going -- indicated he would follow up the report recommended.

Q I think you told the jury that he told you the report recommended incarceration?

A I think so, yes.

Q What you actually did is that you, or the other fellows in the FBI, went to the probation people and got the report changed; is that correct?

A No, sir.

Q Are you saying there was no supplemental report filed?

A I don't know if there was or not, sir. We never approached the Probation Department at all on that.

Except to -- we wrote a letter to the effect that Mr. Weinberg indicated he would cooperate. As far as having a report changed --

Q To whom did you write the letter?

A I think to the Probation Department in Pennsylvania.

Q What was the purpose of writing the letter?

A To indicate that Mr. Weinberg was willing to cooperate with the FBI.

Q This was after the Judge told you that he followed the Probation Department's recommendation?

A I don't think so. It was before.

Q You didn't write the letter to influence their report, did you?

A No, sir.

MR. DUFFY: That is all.

* * *

* * *

JOHN McCARTHY, having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION

BY MR. DUFFY (Cont'd):

THE COURT: Mr. Duffy, do you have some more

questions?

MR. DUFFY: Yes, I do, in the light of what went on at the side bar.

Q Agent McCarthy --

MR. DUFFY: May I approach the witness?

THE COURT: Yes.

Q -- I want to show you a copy of a letter supplied to us by Mr. Puccio marked Defendants' Exhibit X, and ask you to read that.

A Well, it says --

Q Read it to yourself and then I have some questions to ask you.

THE COURT: You say that is Exhibit X?

MR. DUFFY: Yes, sir.

(Witness examined document.)

Q Have you read it?

A Yes, sir.

Q Are the contents of that letter familiar toyou?

A Yes, sir.

Q Is this the letter that was sent to Andrew Buckley, Chief United States Probation Officer in Pittsburgh?

A Yes, sir.

Q And was it signed by Supervising Senior Resident Agent John F. Good?

A Yes, sir.

Q And does it touch upon the plight of Melvin Weinberg?

A Yes, sir.

Q Did you also use the name in the letter, J. Wallace Loprade, Assistant Director in Charge?

A Yes, sir.

Q And who was he?

A He was assistant director in charge of the New York office ofthe FBI.

Q All right. Now having read this letter, is your recollection refreshed about what approach was made, to whom, in connection with Mel Weinberg's sentence in Pittsburgh?

A Well, the approach was to point out that Mr. --

Q Answer my question yes or no, and then you can explain.

THE WITNESS: Well, will you repeat the question.

Q Is your recollection refreshed about what went on with the Probation Department in Pittsburgh?

MR. PUCCIO: I object to the form, Judge.

THE COURT: Overruled.

A Yes, sir.

Q Will you tell the jury now what the FBI did and when they did it.

A What we did was to write a letter to the Probation Department pointing out the fact that Mr. Weinberg was cooperating with us in an investigation.

Q Did you write that letter before or after he was sentenced to jail?

A I don't know. I neglected to see what the date of that letter is.

Q Well, suppose you tell this jury what you remember.

A I don't recall when I wrote it. I don't recall whether it was before or after he was sentenced.

Q When was Mel Weinberg sentenced to jail?

A Sometime in December of 1977.

Q Was it December 10th?

A It may have been. I don't recall the exact date.

Q Did you see the date on this letter, December 19th?

A No, I didn't see it. That is why I asked you. I didn't know the date on it.

Q I will show it to you now.

MR. DUFFY: May I approach the witness?

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THE COURT: Yes, sir.

Q (Cont'g) My question is, will you tell the jury whether this letter was written before or after Weinberg was sentenced.

A Well, if he was sentenced December 10th and the letter was written December 19th, then obviously it was after.

Q I don't want you to go on any representation from me or the defense. I want your recollections. What is your recollection?

A My recollection is I don't recall when I wrote the letter. The letter says December 19th, and that is when it was written.

Q But you told this jury before the recess that it was written before, didn't you?

A That is what I thought, it was written before. I wasn't sure. My recollection was that it was written before, but I wasn't sure.

Q Oh, did you tell me you were not sure?

A I am not sure whether it was written before. I recall writing the letter. I don't recall what date it was written on.

Q But you didn't write the letter, did you?

A Well, no, Mr. Loprade signed the letter, yes.

Q Did he sign the letter or did John Good?

A Mr. Good signed for Mr. Loprade.

Q Did Mr. Loprade know about the letter?

MR. PUCCIO: I object to this.

THE COURT: Overruled.

A Mr. Loprade? I assume so, yes, sir.

Q But you don't know?

A No.

Q You knew about the letter?

A Yes.

Q Did you tell this jury before the break, before the recess, that the letter was not intended to induce the Probation Department to make a different recommendation?

A Yes, sir.

Q You did tell the jury that?

A I said it was to point out to the Probation Department that the -- the cooperation that Mr. Weinberg had offered to us and continued to offer to us in the investigation.

MR. DUFFY: Your Honor, can we have a stipulation from the Government that the date of this letter followed Weinberg's sentence to imprisonment, sir?

MR. PUCCIO: Well, Judge, I would have to --

do you have a record of it? I will stipulate to it but --

THE COURT: I think the sentence was already in evidence weeks ago.

MR. BROWN: Your Honor, I have a recollection of December 10th, but I have been known to be incorrect sometimes.

MR. PUCCIO: If it is December 10th, we will stipulate this letter was written on the 19th.

MR. DUFFY: Was it December 8th?

THE COURT: The 8th rings a bell with me. I think it is already in evidence. If it is we will work out a stipulation and straighten it out.

MR. DUFFY: Thank you, your Honor.

BY MR. DUFFY:

Q I want to read a portion of this letter to you. You can read all of it if you would like afterward.

THE COURT: Are you offering it in evidence?

MR. DUFFY: Yes, sir. I offer it.

THE COURT: Any objection?

MR. PUCCIO: No objection.

THE COURT: Exhibit X received in evidence.

(A letter to Probation Department, December 19, 1977, was received in evidence as Defendants'

Exhibit X.)

MR. DUFFY: I will read the letter to him.

"Dear Mr. Buckley, Melvin Weinberg pled guilty to a 10-count indictment in connection with an advanced fee scheme wherein he was charged with mail fraud and fraud by wire. Since the entrance of his plea in October 1976, Weinberg has worked continuously with the Federal Bureau of Investigation with the result that information obtained through Weinberg will result in major indictments in the near future. During the time that Weinberg was cooperating with the FBI, he came into contact with individuals whom the FBI is contemplating targeting in the near future. Weinberg has indicated a willingness to continue his cooperation in the future, and his aid will be of invaluable assistance in the successful prosecution of the contemplated targets.

"It is respectfully requested that your department in conjunction with the United States District Court Judge in the Western District of Pennsylvania, William W. Knox, review Mr. Weinberg's file and if you feel Mr. Weinberg can safely associate with former colleagues without defeating the spirit of the law or the purpose of probation, your

consideration in permitting such activity would be greatly appreciated by this Bureau."

Is that the communication that was sent to the Probation Department?

A Yes, sir.

Q Are you telling this jury that the purpose in sending the letter was not to get Mel Weinberg placed on probation, sir?

A My -- the intention of that letter -- that was put in that letter was to ask the judge to do whatever he could so that his continued cooperation -- Mr. Weinberg's continued cooperation could be afforded.

Q Well, was it your understanding of the arrangement with Weinberg that he could safely associate with former colleagues while he was behind bars?

A Excuse me. I don't understand that.

Would you repeat the question?

MR. DUFFY: I don't have any further questions.

THE COURT: Any other questions for Mr. McCarthy?

(No response.)

THE COURT: All right, Mr. McCarthy, you may step down.

(Witness excused.)

THE COURT: Next witness.

MR. BEN-VENISTE: Your Honor, I call Mr. Weiss.

Your Honor, assisting Mr. Weiss will be Professor Aschkenasy, whom I would like to introduce to the Court. Of course he will not be testifying, but just so everybody knows who he is.

M A R K R O B E R T W E I S S, called as a witness, having been first duly sworn by the clerk of the court, took the stand and testified as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Mark Robert Weiss.

THE CLERK: Please spell your last name.

THE WITNESS: W-e-i-s-s.

THE CLERK: Please be seated.

MR. BROWN: Your Honor, can we exchange seats?

THE COURT: Yes, as long as you don't block the jury's view.

MR. BROWN: In any special direction?

THE COURT: Can you locate yourselves wherever it is comfortable for you as long as you don't interfere with what the jury can see.

* * *

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Now, Professor Weiss, would you please tell the jury your educational background and your professional affiliations?

A Okay.

I graduated in 1952 with a Bachelor of Electrical Engineering Degree from the City College of New York.

In 1977 I obtained a Master of Science in Electrical Engineering from Columbia University.

My professional affiliations are that I am a member of the Institute of Electrical and Electronics Engineers.

I am a member and Fellow of the Accoustical Society of America.

And I am a member of the American Association for Forensic Sciences. And I believe that is a summary of those affiliations.

Q Are you a member of the Technical Committee on Speech Communications?

A I was a member of that during one term, yes.

Q Now, would you explain to the jury the positions

that you have held since you have completed your schooling?

A Well, in 1952 when I graduated City College I became a staff engineer at the Electronics Research Laboratories at Columbia working on various problems in electronics and accoustical analysis techniques.

MR. PUCCIO: Judge, we will stipulate the Professor's qualifications.

MR. BEN-VENISTE: Your Honor, I would like to have Professor Weiss' background. And I thank Mr. Puccio for the offer, but I would like them to hear Professor Weiss' background.

THE COURT: You may continue.

A (Continuing) In 1957 I joined a newly formed company called The Federal Scientific Corporation which specialized in the manufacture and use of very new and very sensitive electronic analysis devices for which the United States Air Force had an interest at that time, and also some activity in the field of speech accoustic analysis.

In 1961 I was made a Vice President of Accoustics Research and I worked there until, I guess, it was 1974. And in 1974 I left Federal Scientific to join the faculty at Queens College in New York as a Professor in the Department of Computer Science.

Q Now, would you explain for the jury, Professor Weiss, the specialized areas of your experience?

A Well, in particular my experience is primarily in the area of accoustics, speech analysis, and the analysis of tape recordings..

In regard to what is really relevant here, I have had fairly extensive experience in the examination of tape recordings to determine basically how they got to be made, under what conditions they were made, the characteristics that are observed, whether the recordings had been altered in any way, whether there were stops, restarts, or whatever.

Q Now, were you a member of the panel of technical experts in connection with the analysis of the tapes in the Watergate case?

A Yes, I was.

Q And were you selected on the basis of the recommendation by both the Watergate special prosecutors office as well as the White House?

A Yes, as I recall, both the group that you served as a member of, and also the White House team jointly nominated myself and five colleagues on that panel, that is correct.

Q So that when we selected you from the Watergate

side, or the prosecutor's office, the White House had no objection to your appointment either?

A No, in fact to my knowledge, in fact, I was originally nominated by the White House side.

Q Now, have you testified in connection with --

MR. BEN-VENISTE: Strike that.

Q Have you been employed as an expert in the area of forensic analysis of tape recordings by any prosecutorial agencies?

A Oh, yes, quite a number of them.

In fact since 1974 I believe that my services together with Mr. Aschkenasy's have been engaged by over two dozen different prosecutorial offices.

Q And on how many occasions, if you recall, were you engaged by the prosecutor's offices here in New York, the City of New York, sir?

A I think there is about a half a dozen times -- oh, in the City engaged in general?

Q Yes.

A Perhaps eight or ten times.

Q And this is by the prosecutor's offices?

A Yes, sir.

Q And were you paid as an expert consultant?

A Yes,sir.

MR. BEN-VENISTE: I tender the witness, your Honor, as an expert in the field of forensic analysis of tape recordings.

THE COURT: His qualifications have been conceded, and as I said, ladies and gentlemen, in evaluating his testimony that you consider his qualifications by Mr. Ben-Veniste.

Q Now, you have indicated that you were paid a consultant fee when you were retained by the Govenment, sir?

A Yes.

Q And in this case you have been retained by the defense under the exact same conditions?

A Exactly the same.

Q Now, you were asked to review certain tape recordings, were you not?

A Yes,sir.

Q And specifically you were asked to analyze certain questioned areas in two specific tape recordings, were you not?

A That is correct.

Q Now, let me place before you three Exhibits, Exhibit 19-B, Exhibit 21-B and Exhibit 22-B.

I would ask you to open those Exhibits and

to look at the contents inside, (Handing)?

A Yes.

Q Now, sir, have you seen those tape recordings which were inside the Exhibits before?

A Yes, I have. These were among the ones that were to be examined.

Q How can you identify them as the ones which you examined, Professor?

A Well, my initials and those of Mr. Aschkenasy's are inscribed on the labels of the cassettes.

Q Now, will you please tell the jury under what conditions those tape recordings were made available to you?

A Yes. They were brought to my laboratory at Queens College by agents of the Federal Bureau of Investigation, on three occasions, in fact, for our analysis.

Q And do you see that person here today, sir?

A Yes, I do.

Q Who is that?

A Mr. Donald Ritenour sitting over there.

Q Now, were you also provided with tape recorders?

A Yes, sir.

MR. BEN-VENISTE: May we have the tape recorders, please, Mr. Puccio.

MR. PUCCIO: The what?

MR. BEN-VENISTE: The tape recorders.

MR. PUCCIO: Did we get them back (addressing Mr. Ritenour)?

I am sorry, I didn't know they weren't in Court.

MR. BEN-VENISTE: We were told this morning that they would be here, your Honor.

THE COURT: How many do you want, Mr. Ben-Veniste?

MR. BEN-VENISTE: We want basically the one that was represented to be the one that Mr. Weinberg was using.

MR. PUCCIO: We will bring up everything, Judge. I am sure we have them.

THE COURT: All right.

Q You were shown a tape recorder, sir?

A Yes, sir.

Q Will you tell the jury what kind of tape recorder it was?

A That was a Lanier Model AL/C.

Q Professor, will you explain to the jury what representation was made to you with respect to that tape recorder?

A Yes, sir. With respect to the particular one

I have in mind, I was told that it was believed that this one was the one that was in use at the time the recordings were made, although they were absolutely certain that this was the case, but that in all probability it was.

MR. BEN-VENISTE: Now perhaps while we are waiting your Honor, the jurors notebooks could be distributed to them containing the transcripts, and I am particularly concerned with the transcripts for Exhibit 19 and I believe 21 -- no 22. I am sorry.

THE COURT: Would you distribute them.

MR. BEN-VENISTE: May we have those please, Mr. Puccio.

(Documents produced for jury.)

Q Now, Professor Weiss, what was the task that was given to you, sir?

A Well, we were told to examine --

Q Will you please speak into the microphone.

A We were told to examine in detail two of the recordings, although we examined a number of others, but particularly to concentrate on two of them on which there were some clicks and audible gaps here in the recording.

The question we were asked was what do they represent and how did they get there.

Shall I go on?

Q Yes, please, Professor.

A All right, now clicks and gaps almost always indicate something abnormal during the process of making a recording. Either it usually means that the tape was stopped and rstarted, or it could conceivably mean that there is an over-recording made on a pre-existing recording, one or the other. It is the usual indication. It doesn't necessarily mean that that is what actually happened. It could certainly be for perfectly innocent reasons in the presence of such events. But the only way one can really determine is not really by listening to the tapes, but by doing a series of analyses and tests of both the tape in question and of course of the recorder that purportedly made the tape to see what its characteristics are and to see what produced the clicks and to see what mode of operation it is in, how it is being used at that time.

Q Professor were you given a particular hypothesis as to the testimony in this case as to what may have caused the gaps?

A Yes. Well, in particular if the analysis showed that the clicks, gaps, whatever, are the result of the recorder having been stopped during the recording process and then turned back on again after it is stopped, the obvious way of doing that is by manual control, pushing

the switch to stop it and then pushing the switch again so that the recorder resumes recording operation.

We were told that an alternative possibility existed, that the record could have fallen off a table and that on impact, hitting the floor, it caused the machine to go out of the record mode, and subsequently when picked up, turned back on again.

Q Now, who provided you with that hypothesis?

A That hypothesis was provided also by Mr. Ritenour.

Q So that you were asked, if I may, to see if you could tell on the basis of the tests that you were to perform whether in fact the clicks, or stops and starts on these questioned tapes were the result of the tape recorder falling off a table and stopping, or whether they were stopped manually?

A That is correct.

Q Now, would you tell us what tests you did perform, just names of the tests?

A Well, broadly there were two tests performed -- actually there really were three. First it was a physical examination of the tapes in the regions in which these gaps occurred to see whether there was in fact a physical splice in evidence that also could have that kind of audible

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defect. There were none.

Then there were two other analyses performed. One of them involves -- it is called a magnetic development or image development of the tape. It is a procedure in which you might literally make visible recorded information that is recorded onto the tape, something akin to photograph processing.

And the second one is a method which goes by the name of wave form analysis, and it involves playing the tape recording and examining analytically on a table the signal that comes off the -- the electrical signal that comes from the tape when you play it back.

Q Now, on the basis of the tests that you conducted in your scientific analysis did you reach a conclusion with respect to what occurred on the tape of July 29, 1979?

A Yes.

Q And did you reach a conclusion as to what occurred on the tape of July 31, 1979?

A There were two tapes on that day. The 5:30 P.M. tape, yes.

Q Will you tell the jury what your conclusion was?

A On the tape of July 29,1979 there are two

areas in which a click and gap are audible. The first of these areas, which has a duration of about 1.9 seconds is the result of an over recording on pre-existing recorded material.

The second of these is the result of a manual stopping and restarting of the recording.

By manual I mean that someone during the recording process pressed the switch down to the stop position and then pressed it back up to record and continued.

In the case of the July 31st recording made at 5:30 P.M. there was only one such event that occurred, and it occurs quite close to the end of the conversation. And it too is the result of a manual stop and restart of the recording.

(Continued on next page.)

Q Now, is there any doubt in your mind on the basis of the test you conducted that the stops were not the result of the machine falling off the table?

A None.

Q Let me show you Exhibit EE.

I ask you if you can identify this tape recorder as being the one which was represented to you as the one Mr. Weinberg used in July of 1979?

Professor Weiss, before you explain to the jurors the manner of testing which you employed,would you be kind enough to explain to them the manner in which a tape recording is made?

A Certainly. Your Honor, may I approach the jury? I have a small detail here.

THE COURT: Go ahead.

A I will put into the recorder one of the cassettes but I will not of course turn it on.

MR. BEN-VENISTE: I think we have a blank cassette.

THE COURT: I think that would be better.

Q Incidentally, Professor Weiss, while we are waiting, is there a way in which to guard against altering a tape recording once the recording has been made?

A Yes, you can. If you notice on the back of the

cassette there are two little tab areas.

In order to prevent the tape from being recorded upon after you have made it, all you need do is break off the tab on the left-hand side of the cassette.

Once you do that, then you can no longer make a recording on that particular side of the tape.

If you turn the tape over you can --

Q As far as you know people who deal frequently with the making of recordings know all this information with respect to protecting tapes?

A I certainly hope so.

Q Very well.

Would you go on with your explanation?

A Okay.

In this particular recorder here the cassette fits in like this (indicating) and the tape will move from this side.

It is a supply reel over here, to the take up reel over on this side (indicating).

The tape will move in this direction across the recorder.

As it does so, it will be in contact with a pair of little devices. One is black and the other is another color.

The first of them is the erasing head, an electronic gadget which scrubs the tape clean of any material.

It will go on and essentially clear the tape. Like a pencil eraser. This does the job electronically on the tape.

A little bit further down, a little more than an inch down, further down, we have the recording head.

That is the device that lays down onto the tape the magnetic version of the sounds being received by the microphone of the recorder or being transmitted into the recorder through a jack or plug input on the back of the recorder.

Such a plug would be used if you were recording telephone conversations. And the wire and little plug goes into here (indicating).

That electrical signal received will be transmitted to the recorder head which would be converted into magnetic information which is laid down on the track.

You have the tape moving this way (indicating).

That will be in operation.

Shortly after that has been cleaned, about six tenths of a second for this machine, an area will reach the recorder head and new information will go on the tape.

And this machine,the stop and start is done by pressing the switch down to the stop and back up to the record to restart it. A simple one hand operation (indicating).

Q In this case you mentioned two principal tests that you employed, is that correct?

A Yes.

Q Was one of them the magnetic development?

A The first one that -- yes,one of them was the magnetic development.

Q Which one would you like to discuss?

A That one first. It's easier.

Q Would you do that?

A Okay,school time.

Can you see this, your Honor?

THE COURT: Yes.

A Let this,if you will, represent the tape that is running through the recorder. It's going to be -- you are looking at it this way now (indicating), the face of the recorder -- you are in the position of the recording head.

Here is the head. The tape running past it in this direction from right to left.

Here are the two heads. The tape is moving

in that direction.

Now, first let's consider what the effect of the erasing head is. It is divided into two parts. Upper and lower track area.

This is done to get two recordings on to a single tape.

The recorder head will scrub an area of the tape slightly greater than one half of the tape.

When it does that, it does so in the following manner. It is a little too wide here (indicating).

It will move along -- I can't move the blackboard easily which I would like to do but instead I am going to move the eraser from right to left. This is representing the head in the machine clearing the tape as it does so in this particular machine. It will leave a distinct line of recording across the tape.

This is, of course, invisible on the tape. But there is a line of magnetation.

When you start a recording you first turn on the power, of course, through the machine, and that is there is an electrical surge of current that goes through the erasing head. The effect of that is usually to leave a distinct vertical line in the position the head was in contact with the tape when that surge was felt by the head.

Thereafter the tape continues on its way.

Now, there is a kind -- if this was completely clear and black, there would be kind of a white smudge on here. This is one graphically to show that the head will in fact record a very low level of hissing noise sound on to the tape. When you play back a tape that has no recording on you hear a hissing noise. When the recording ceases, there is a surge of current that goes through the head. You're taking the current away.

As a result, that usually is to leave a line where the head is in contact with the tape where the recording ceases.

Sometimes it does not.

The upper line simply get weaker and weaker and disappears.

What about the recording head that is actually putting the information -- the sound on the tape. In the case of the Lanier machine that one is much narrower than the width of the erasing head. It's less than one half. Its position would be the middle of the tape and goes along in the manner here (indicating).

Now, when you're not putting any sound in the machine, you're just recording, then what you would expect the recording head would record silence,that is what it does.

Silence is represented by a clear barrier on the tape. And it -- you can see that when I will show it to you in the region in which the recording head went through is outlined by a pair of lines representing the upper and lower extent of the tape and continues on until the recorder stops.

That clear area, there is sort of a grayish area here, representing the region in which the erasing head went through and sort of a cleared region, it's not as distinct as this. Sometimes it's very distinct and some times it is not.

If you had recorded all this, you would see a continuous track of information where these vertical lines will represent a magnetic version of the sound recorded.

This is what it will look like (indicating).

If we stop at this point over here, you find this track ceases abruptly. The distance from here to correspond with this (indicating).

Q In terms of the test you performed to determine whether the machine was dropped or manually stopped deliberately, would you explain to the jury what the different signals look like?

A I think it's possibly easier to show the slide at this point.

Q Do you have some photographs as well?

A Yes.

Q Before we get to the slides, we can use the photographs?

A Okay.

Q What we have pre-marked as Exhibits V-1 through 12,your Honor, are eight by ten photographs prepared by Professor Weiss and Professor Aschkenasy.

Is that correct?

A This is, in this photograph here, what you see is the result of the tape.

THE COURT: Are they being offered in evidence?

MR. PUCCIO: No objection.

MR. BEN-VENISTE: Yes.

THE COURT: V-1 through V-12 received in evidence.

(So marked.)

A We took a tape, a test recording made using the Lanier machine.

Q Speak louder, please.

A Yes.

We took the tape that we had, placed in the Lanier machi , recorded a section on to it, stopped the

recorder and started the recorder simulating a stop and restart to see what the characteristics of that sort of procedure were.

We then placed the tape in a special liquid which you take out after a few moments and you find an image. That is representative of the magnetic recorder that was on the tape.

Here you see something like what I drew on the blackboard. This is a highly enlarged segment. Only about ten millimeters long, a quarter of an inch.

The tape is a little larger than one eighth of an inch. This is an enlargement.

Now, this is the lower half on which the recording happens to have been made on this tape. What you see here is this white line, left by the erasure tape before the tape got to the position of the recording head.

In here, you should be able to see a very faint area outlined by a white line here where the recorder head went along.

Is it physical to everybody?

Now, at this point the recorder left a line, an impulse went through, and shortly thereafter we resume the recorder and you can see this scrubbed out area.

There was silence in the recorder. The area

is darker when the eraser head is there between the stop and start.

Again there is an impulse or sharp line representing here the surge of electrical current goes on.

Q Can I interrupt what you are showing the jury?

A Yes.

Q What you are showing the jury are enlargements of the actual tape after they had been dipped in this fluid, is there an analogy to what the jurors may recognize in their own experiences?

A I don't know if you ever played the game with magnetic filings that make a pattern. This is done in exactly the same way. You have very fine iron filings and you dip the tape in and you pull it through and there is a little bit of liquid on the tape.

As it evaporates it moves through the region where magnetization is on the tape and where they stop is where the magnetization was and they move to those portions more or less according to how strong the recorder is. If the recording is strong, or if it were weak, it would be a weaker line.

(Continued on next page.)

Q Do you have an example to show to the jury as to what happens when there is a manual stopping of the tape?

A This is an example right here (indicating.)

Q Do you have others?

A Yes. This is a manual stopping of that particular machine over there (indicating.)

Q You were referring to Exhibit ee?

A This is a manual stop which was obtained from the evidence recording made on July 31, 1979 at six P.M.

And you can see, again, an area here where the edge came up to this point (indicating), cease recording and resumed recording at this position (indicating).

Q Is that the area you particularly focused on?

A Yes. Where the conversation starts on that day.

If you can see the recorder head moves along a straight line, when you stop it there is still nothing disturbing it. The tape is held by a pair of guides so it moves past the head in a continuous motion.

If you drop the machine, it can cause the recording to stop sometimes. The effect of dropping it

falling to the floor with a tremendous smack, the shock can cause the switch to move from the recording position down to the stop position all by itself.

When that happens, this is the result you would observe when you developed the tape and look at the recorder track.

Q You are referring to Exhibit v-5, sir?

A Yes.

Would -- what you see here is again the recorder head moving along up to here and there is a tremendous disturbance in the track, no longer straight, pushed up in a sense.

I -- another example is over here, another recorder dropped, again you see a distinct drop or move from the straight position to a v-shaped valley.

Here is another one where again you see the track moving along straight and at the point which the impact occurs you see the up and down.

Q This is an experiment you conducted when you dropped the machine?

A Yes.

Q These are the reactions produced when the machine is dropped from the height of the table?

A That is correct.

MR. BEN-VENISTE: I would ask your Honor that these -- first the exhibits referred to as the drop be shown to the jury, Exhibit v-5 through seven, I believe.

May I?

THE COURT: Are those the correct numbers, Mr. Weiss?

THE WITNESS: Just a moment, your Honor.

MR. BEN-VENISTE: V-5, 6 and 7.

THE COURT: You may show them to the jury.

Q Would you follow that with the photographs of what it looks like if there is just a manual stop, V-1 and V-3, why don't I pass one to each row.

Professor Weiss, v-8 and 10 are the ones from the evidence tapes themselves, is that correct?

A Correct.

Q Where there is stop on the machine themselves?

A That is correct.

Q On the tapes themselves?

A Yes.

Q Are those consistent with the taping stopped deliberately manually or consistent with being dropped?

A Manually.

Q Is there any question?

A No.

Q Professor Weiss, why don't you go ahead and explain.

A There is one more I would like to pass to the jury. This is the developement of the magnetic image on the record July 29th, 1979, at the point where we detect a very brief, 1.3 second long, overrecord. The recorder was turned off manually and 1.3 seconds later it was started again.

The evidence for that is contained in this image here, it shows the point where the recorder was stopped.

You will see this track coming up this point and the top line.

Then follow that conversation previously recorded becomes audible.

Q I think we can defer that so hopefully we can finish before lunch.

This is in evidence and the jury will have the opportunity to review it.

Has everyone seen those exhibits?

(Pause.)

Q Professor Weiss, were there other tests also employed other than the magnetic development?

A Yes. Tests made using waves. Wave form

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analysis in which you play back the recorder and you get from recording an electrical current.

The same current you normally employ to the loudspeaker to hear the sound.

You can take that and put it on to a device which is like a T.V. screen.

We call it an oscilloscope. It produces a sound intensity.

The sort of pattern you got on an electrocardiogram. You see, like this, the beat of the heart, and another beat and so forth (indicating.)

You usually get this on an electrocardiogram or you can get it on a t.v. screen and arrange for this sort of thing to be recorded on to a graph paper.

That is exactly what we did with the sounds obtained by playing back each recorder -- recording.

We obtained representations like this (indicating).

In which the strength of the sound is represented by how high or brief some of these lines appear.

In this region was weaker and stronger. Now, when you do this, when you stop a recorder, what you will see is this kind of thing (indicating). This large jump,

and then you see another large jump further down.

This one corresponds to the impulse that went through the recording head at the moment that the power turned off. This one corresponds with the erasing head, provided the erasing head left a strong line at that notation. If it doesn't, it weakens out slowly.

You get a little bump. In this machine you will always get this click. The click that you hear at the point of the stop.

Q Did you perform an experiment to show what the wave form would look like if the machine were dropped?

A Yes, the same thing that we did in the case of the magnetic development.

Q Show the jury what the wave form looks like if the machine is dropped?

A Yes.

Q I thought you would do it on the blackboard.

A These are actual pictures. Why don't we ste this up? It would be a lot easier.

MR. BEN-VENISTE: At your pleasure, I don't know what we will be able to -- I don't know whether we will be able to finish before lunch.

I don't think there is that much to go.

THE WITNESS: No, I can run it through

quickly.

THE COURT: We still have 15 minutes.

MR. BEN-VENISTE: Thank you.

(Pause)

MR. BEN-VENISTE: Can everyone see the screen?

A This is the point, this is the sound that was laid down by the recording head at the moment the recorder was stopped at the point of impact. This is the wave formed at the same instance in time put down by the erasing head. This represents time over here. Even though laid down simultaneously.

The first thing you get is the point at which it falls.

In any event, what you tend to see on the manual drop is this sort of dense area of activity, a tremendous amount of vibration.

With one exception over here, there is a lot of low-lever noise.

Over here, you get the complex group of pulses occurring. Single one.

Here is a pair of them over there. One up and -- followed by a small dip.

This could be contrasted with the sort of

thing you get -- we have to contrast this with what happens when you manually stop the recording.

This is a manual stop that restarted. This is a stop and restart (indicating.)

In the case of a manual stop what you see is nice clean sharp lines, none of the dense material shown on the other form.

Here you have a distince dip up and down wave form for the erasing click. Here is another one (indicating). In this particular event, the erasing did not produce the single line at the end. Just weakened out.

This is all the same machine which indicates that it's a variable on the machine. It turned out to be a variable on all the linear machiens we used.

On this stop impulse over here, (indicating) we did not always get a strong impulse on this location. Certainly never got that dense material, it sounds like a very brief chirp sound.

Q Would you show the difference between a manual stop and a stop which is produced by the machine dropping?

A Here is the character observed. It's quite different (indicating.)

the evidence tapes on the wave form analysis, that the stop pull were the result of manual as opposed to drop stops?

A No.

The wave form analysis also supports that interpretation.

Q Very well.

Now, you mentioned a point -- I think we can have the lights back on: [illegible]

THE WITNESS: Yes.

Q You mentioned -- why don't you provide the jury with the information you determined with respect to the number of manual stops in the middle of the conversation on the evidence tapes?

A There were two manual stops that we detected.

One of them on the July 29th, 1979 recording, and one of them on the July 31, 5:30 P.M. recording.

Q On the July 29th, do you recall the words at which point the break occurred?

A The break on the July 29th, the phrase preceding it is: "That guy Neifeld." I guess it's spelled N-y-f-e-l-d.

Q That is a portion we will be able to agree

which was not supplied to the jury -- and the portion of the tape offered by the Government.

Were there any other stops?

A The only otherstop on that tape is related to the very brief recording that occurred earlier on in the tape.

Q Where is that?

A That one occurs just at the phrase, after the phrase, something about guaranteeing my friend the Sheik that he -- something like that.

Q Is that the tape that begins, "Beautiful, what's his name, Meyers?"

A Yes.

Q That is Exhibit 19a.

We direct the jury's attention to page 2 in the middle where it says, "Guaranteeing this, my friend, the Sheik -- "

A Yes.

Q Is that what you found consistent with the person running the tape, stopping it at a point, and repressing the record button?

A Yes.

Q Now, with respect to the other incident that you found, that was the deliberate depression of the stop

button as opposed to an accident?

A That is correct.

Q With respect to the July 31 conversation, would you indicate the words at the point that the tape was manually stopped?

A The words immediately proceeding the stop is: "They're getting five."

Q That is at apge two of the transcript at the middle of the page. "They're getting five."

On the juror's copy, then, there is an inaudible.

At that point there is a click?

A Yes.

MR. BEN-VENISTE: I would ask, your Honor, if the Court has any question of Professor Weiss or if any of the jurors have any questions of Professor Weiss those questions be relayed through the Court to Professor Weiss.

THE COURT: That is not the way we proceed. I ask questions if I feel so inclined. The Jury does not ask questions.

I have no questions.

MR. BEN-VENISTE: Thank you, sir.

I have no further questions except to ask

in summary whether there is any doubt scientifically or otherwise that on the breaks that occurred on these tapes that they were produced by a drop of the machine?

A No, these were not produced by that.

THE COURT: Mr. Duffy, any questions?

MR. DUFFY: One.

CROSS EXAMINATION

BY MR. DUFFY:

Q It may be obvious, Professor, when a machine is intentionally turned off, and then intentionally turned back on, there is no way of telling us there was conversation that was missed or how long it was?

A None at all.

Q That is all.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No.

THE COURT: Mr. Brown?

MR. BROWN: No.

MR. BEN-VENISTE: I would like to introduce the xerox copies of the wave form analysis which are marked Exhibits W-1 through W-11.

THE COURT: Two of those were shown in transparancy form?

MR. BEN-VENISTE: Yes.

THE COURT: Any objection?

MR. PUCCIO: No objection.

THE COURT: Received in evidence.

DIRECT EXAMINATION

BY MR. BEN-VENISTE: (Continuing)

Q May I ask, while you were conducting your analysis of these tapes, did Mr. Ritenour of the FBI observe you at all times?

A Yes.

Q Did you make available to Mr. Ritenour everything that you were doing in terms of his observation?

A Anything he wanted to see.

MR. BEN-VENISTE: Thank you.

MR. BEN-VENISTE: Very well, no further question.

MR. PUCCIO: May I proceed?

THE COURT: Yes.

MR. PUCCIO: I will be very brief.

CROSS EXAMINATION

BY MR. PUCCIO:

Q Professor Weiss, with respect to both of these tapes, first with respec to the 29th of July, how much information is missing from that tape?

A With respect to --

Q In terms of time?

A With regard to the standard which I term an over-recording occurred there is a total of about 1.9 seconds worth of information obliterated from the tape.

With regard to the second event, a stop and restart, there is no way of knowing how much was not recorded.

Q I assume you took the cassette and timed the entire telephone call?

A Yes.

Q With respect to that call on 7/29, what was total time of that call?

A The total time of that call -- conversation

lasted six minutes four seconds.

Q If you start that tape at the very first word that appears in the transcript and shut it off at the end, wouldn't it be fair to say it's six minutes and fifteen seconds?

A Six minutes four seconds from the time you heard the first word, hear the telephone receiver hang up, that is the duration of the conversation.

Q Did you have occasion to compare the time that you calculated this call took with the final telephone records of the Bell Telephone Company?

A No, I had no evidence of that.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q Let me show you these records which we will mark as -- your Honor, I don't know --

MR. BEN-VENISTE: Are you showing the witness something in evidence? Your Honor, is --

THE COURT: He is trying to figure out what he will mark it. It's not yet marked.

MR. PUCCIO: Judge, can I deem it marked at this point and --

THE COURT: 26 is the next number.

MR. PUCCIO: 26 for identification.

Q I direct your attention to this entry.

Now, according to th Telephone Company --

MR. BEN-VENISTE: Objection. It's referring to something not in evidence, that this witness has not seen, the practice is improper.

MR. PUCCIO: Will your Honor accept the records of the Telephone Company which are recognizably authentic --

MR. BEN-VENISTE: Objection to the statement of counsel, your Honor.

THE COURT: Sustained.

Is this one of the record we were talking about yesterday?

MR. PUCCIO: Yes, Judge.

MR. BEN-VENISTE: If it is in evidence, I have no objection. I don't know what Mr. Puccio has put in front of the witness.

MR. PUCCIO: May I just find Defendant's Exhibit U.

MR. DUFFY: I object and request it be shown to counsel.

THE COURT: A Defense Exhibit?

MR. DUFFY: He marked a Government Exhibit.

* * *

(The following took place in open Court.)

THE COURT: Is that now Exhibit 26, Mr. Puccio?

MR. PUCCIO: Yes.

THE COURT: Received in evidence.

(So marked.)

MR. PUCCIO: By stipulation.

THE COURT: Agreement of counsel.

CROSS EXAMINATION

BY MR. PUCCIO: (Continued)

Q Professor Weiss, that first call you referred to is recorded by the Telephone Company as seven minutes, is that correct?

A That is correct, from these records.

Q What is the most amount of time that -- the time of information that can be missing from that cassette according to your calculations?

A The duration of the conversation, to the termination of the call, was six minutes four seconds, 56 seconds maximum.

Q That is maximum?

A Yes. Assuming this is exact counting of

seven minutes.

Q Assuming -- well, isn't it a fact the practice of certain phone comanies is to --

MR. DUFFY: Objection.

MR. BEN-VENISTE: Talking about the Bell Telephone Company of South Florida?

THE COURT: Mr. Duffy wants to argue his own objection.

MR. DUFFY: I heard enough of the question to object because he's asking this witness who is not an expert in telephone billing practice what the practice of the phone company is. He is incompetent --

MR. PUCCIO: I will go on.

Q I assume you have seen telephone toll records before?

A My own personal records.

Q Those are the only ones you have seen?

A Yes.

Q With respect to the second call, that you made reference to, the one on the 31st of July, 1979, how long was that call timed by you?

A Again, the conversation from the first word that is audible to the point where they hang up, four minutes, 43 seconds.

Q According to the records of the telephone company, what is recorded as the time of that call?

MR. DUFFY: Objection.

THE COURT: What grounds?

MR. DUFFY: I think he has to tell the witness how many calls are on that bill for that day.

THE COURT: If the witness has any trouble --

A There is a check mark that has been placed on the record here. I assume that is the one you are referring to?

MR. BEN-VENISTE: There are two calls, we will stipulate to the length of both of those calls.

Q What are the two calls?

In terms of length.

A The one with the check mark is six minutes in duration.

THE COURT: There is another one the same date?

THE WITNESS: Yes, from Camden, New Jersey, shows nine minutes in duration.

Q Does the six minute call show the number that was called?

A Yes, it does.

Q Is that the same number as the nine minute call

of is it a different number?

A That is the same number as the nine minute call.

Q What are the times?

A The six minute call originates 5:12 and the other one 5:49.

Q With respect to the six minute call, what is the most amount of information that could be missig?

A (No response.)

Q In terms of time?

MR. DUFFY: Objection.

MR. BEN-VENISTE: Objection. We can stipulate it's either one of two things, depending on the phone company's practice in South Florida.

MR. PUCCIO: I will go on, Judge.

THE COURT: All right.

Q Professor, did you testify concerning all the tests that you made?

A I believe so.

Q Were there any tests that you made with respect to dropping the recording equipment that were not covered in your direct examination?

A With regard to dropping the --

Q You tapped it or dropped it?

A We dropped everyone of the tape recorders provided for the test.

Q Did you drop each one of them a number of times?

A Yes.

Q Did you make reference in your direct testimony this morning to everyone of the drops?

A No, I illustrated some typical ones.

Q Now, is it fair to say that dropping of a tape recorder could have caused a different magnetic pattern than the one you illustrated?

A Could have caused a different one?

Q Yes.

A I am not sure what you mean.

Q Could the dropping of a tape cause a different magnetic pattern then you illustrated?

A The only thing that might be different if it did not cause a disturbance to occur---

Q It could have been a break or stop that would have caused a different magnetic pattern depending on the floor that the recorder was dropped on?

A I am not quite sure what you are referring to.

Q Wasn't the type of service that the recorder

was dropped on -- wouldn't that have some effect on the pattern shown on the screen?

A It might have a slight effect.

Q Did you drop these recorders on various different surfaces?

A I did.

(Continued on next page.)

CONTINUED CROSS EXAMINATION

BY MR. PUCCIO:

Q What kind of surfaces did you drop them on?

A Three. The first was on to a quilt, a thin one that was on an asphalt tile floor. The second one on a piece of indoor-outdoor carpet and the third was on to a thicker piece of outdoor carpeting. We had acquired two samples.

Q Isn't it a fact that even if the tape recorder were dropped, the drop could be totally uneventful insofar as the magnetic display is concerned?

A We saw no examples of that.

Q Every time you drop a recorder, it's going to show up somewhere?

A Those recorders, yes.

Q Now, you were advised that not all the tapes used were brand new tapes, isn't that correct?

A I'm not sure.

MR. BEN-VENISTE: I object. Obviously they were not brand new at the time analyzed.

Q With respect to the tape of 7/29, it became - - it was quite apparent to you that that tape had been used over, is that right?

A No, it's not at all right.

Q Didn't that tape - - were you advised that some of the tapes used had been recorded on before the recording appeared which you examined?

A MR. BEN-VENISTE: I object to the form of the question, and it's contrary to the testimony of the witness who made the tape recording.

THE COURT: Overruled.

You may answer.

A The only thing I - - The only thing I was told to my recollection, is that the witness obtained those recordings, those tapes himself, that occasion he was provided those tapes by the F.B.I. but those particular ones he obtained himself as to whether they had been previously used or not, no one knew.

MR. PUCCIO: I don't think I have anything else.

REDIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q I would like to hand out to the jurors Exhibit T17 Your Honor, which is from the July 29th conversation. It's at Page 3. This was a page that had not been provided originally to the jurors. There is an indication on the exhibit where the break in the conversation occurs. May I, Your Honor?

THE COURT: Yes. T17 was received in evidence.

MR. BEN-VENISTE: I will hand this up to the court, a copy of - -

MR. PUCCIO: Your Honor, I don't have any more questions.

Q Professor Weiss, with respect to the questions Mr. Puccio addressed to you concerning the time, the duration of the two tapes, one was 6:04 seconds.

A 6 minutes, 4 seconds.

Q 6 minutes, 4 seconds, and the billing on that was seven minutes.

In terms of what is possible, and assuming that the Phone Company billing is correct, if the Phone Company gives the consumer the benefit of the doubt, how much conversation could be missing - -

MR. PUCCIO: Your Honor, I thought - - Well, I object. The professor has no knowledge of such matters. If he claims he now has knowledge.

THE COURT: The question is whether he can add or subtract. Do we need a professor for that?

MR. BEN-VENISTE: I don't trust my own abilities in that regard, Your Honor.

THE WITNESS: Well, it depends on what you

mean by the benefit.

Q Well, there is a bill for seven minutes.

Suppose the phone company gave the consumer credit for a bill that A, a conversation of seven minutes and 59 seconds and they said let's call that seven minutes.

A In that case, you would have close to two minutes.

Q With respect to the July 31 conversation, which was clocked by you at four minutes and 43 seconds and was billed at, let's take for sake of argument, six minutes.

A Well, then there would be a minute and a quarter.

Q And that would be, at the outside?

A You said six minutes is what the billing was. That would be two minutes 17 seconds.

Q It would be one minute?

A One and a quarter or two and a quarter minutes, roughly.

Q Well, in terms of the length of speech, if a conversation, I take it you're familiar with speech patterns?

A Yes, sir.

Q A conversation such as uttering words, it's

all B.S., it's all play acting, how long does it take for that?

A A couple of seconds. I will tell you more accurately - - (Pause) that's about ten words, it might be three seconds. It might be four seconds.

Q Clearly within the framework of what is missing in this conversation, is that correct?

A Well - -

Q That is it is possible that those words were uttered within the framework of the timing of these conversations?

A Certainly.

Q Now, with respect to the dropping of the tape recorder, why did you use indoor-outdoor carpeting to drop it on?

A We had been informed that that was the condition of the place in which the telephone recording had been made, that there was some indoor-outdoor carpetint on concrete flooring.

Q So you tried to approximate the exact conditions as they were told to you, used by the person making the recording?

A That's correct.

Q Now, is there any question in your mind,

Professor, that when you drop a tape recorder from a surface such as the courtroom table on to a piece of indoor-outdoor carpeting that the results that you get will be inconsistent with those that you get when you simply manually turn off the tape recorder?

A If we make that Lanier A.C. recording, yes.

Q That was the tape recorder used in this case?

A Yes.

Q Is there any doubt in your mind that the stops on the two evidence tapes, 739 and 721 were the result of a deliberate manual stop of the recorder?

A No doubt.

MR. BEN-VENISTE: Nothing further.

MR. PUCCIO: No questions.

MR. DUFFY: I have two that were prompted by the cross examination only.

THE COURT: Proceed.

CROSS EXAMINATION

BY MR. DUFFY:

Q You said we were told sometimes the F.B.I. provided the tapes but in this case he bought the tapes himself, is that what you were told?

A Yes.

Q Who told you that?

A Mr. Ritenour.

Q From the F.B.I.?

A Yes.

Q Hesaid these tapes, the ones in evidence, we didn't provide to Mel, he bought these himself?

A That's correct.

Q Now, so I understand what happens when a tape recorder that is running is dropped, would it be a fair characterization of what you're telling us, that when that tape recorder that is in the record mode is dropped, it leaves the - - the head leaves a signature that says I was dropped when I was on?

A We're talking about the Lanier machine, yes.

Q Did you find any such message to you?

A On the test recording, no.

Q On the ones that Mel Weinberg did?

A No.

MR. DUFFY: That's all.

THE WITNESS: May we take a brief recess so I can clear the area?

THE COURT: Can you do it quickly?

THE WITNESS: Yes.

THE COURT: Get it out of here.

DONALD V. RITENOUR, JR., having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Ritenour, you were present when Professor Weiss performed the test that he described here in court?

A Yes, I was.

Q And sir, did you tell Mr. Weiss that Mr. Weinberg had used tapes in making the July 29 and July 31 recordings, that he had purchased himself, as opposed to having received them from the F.B.I.?

A What I specifically told him was, that I had talked with Mr. Weinbert who stated that if the magnetic tape cassettes were of a brand other than Maxwell or Ampex, that they were not furnished by the F.B.I., that they were tapes that he either purchased or had already had in his possession.

Q Do you happen to know of your own knowledge whether that is consistent with his trial testimony here?

A No, I don't know.

MR. PUCCIO: I object, Your Honor.

THE COURT: He doesn't know.

Q Did you tell Professor Weiss that these tapes

tapes had been reused by Mr. Weinberg?

A I told him that they may have been.

Q Where did you get that information from, sir?

A From Mr. Weinberg.

Q What did Mr. Weinberg tell you and when did he tell you that?

A Over the period - - this was probably August 7, 1980.

Q How do you fix that date?

A Because this is the initial day that I transported five magnetic tape cassettes to Mr. Weiss' office at Queens College for his examination.

Q All right.

And you had a conversation with Mr. Weinberg?

A Yes, I did.

Q And you said Mr.Weinberg, there is an allegation that there is some anomalies on these tapes, we need to understand what happened, in substance?

A No, there was a request - -

Q Did you tell Mr. Weinberg that you wanted to know information about how these recordings were made?

A Yes, I told him that I wanted to know how

he used the recorder in making the report.

Q Did he tellyou how the machinary was set up when he made the recordings in July of 1979?

A I don't specifically - - not specifically at that time. He spoke in generalities as to the way the recorder and the attendant equipment that he used with it were set up during the time he was making the recording.

Q And did you ask him specifically with respect to the July conversation, once you knew that those were in issue, how he had set up his equipment at that time?

A I asked him if he recalled at that time.

Q And what did he say?

A He said that his normal method of operation- -

Q Did he say he recalled specifically?

A He said that he recalls specifically on the 29th of having pulled the recorder off of the table on to the floor.

Q And what about on the 31st?

A As I recall, he indicated that this type of event happened any number of times while he was making these recordings and it was very possible that it fell off on that date also.

Q Did he tell you, sir, whether he had the

telephone on the table or on the floor on those occasions?

A I don't recall asking him specivically where the telephone set itself was located.

Q Do you recall him saying where it was located?

A No, I do not.

Q Do you recall asking him whether he purchased the tapes himself or whether the F.B.I. provided them to him?

A I don't recall specivically whether I asked him that question or whether he volunteered the information.

Q When did you obtain the information, whichever way it came out?

A This would have been approximately August 7, 1980.

Q And what did he say?

A He said that if the tapes were not Maxell Tapes or they were not Ampex Tapes, that they were tapes that he either purchased or that he had in his house or wherever from that he had used earlier.

Q And did he tell you that he had recorded - - Strike that.

Did he not tell you that he had been instructed to use a fresh tape for each tape recording he was supposed to make?

A No, he didn't.

Q Did he tell you that he had reused tapes in connection with these specific instances?

A He told me that if it was other than a Maxell or Ampex Tape, that it may have been a previously used tape and he stated that in one instance, he specifically recalls placing the recorder in the record mode to allow it to operate to erase whatever he had previously had on the tape - -

Q Now,does that information throw any light at all on whether the machine was dropped or manually stopped?

A As far as the stop transients that are observed on the two tapes, it allows the possibility of them having stopped by falling off the table or a means other than manual operation.

Q Because they are re-recorded?

A The re-recording - -

Q That has nothing to do with it, does it?

A No, this refers to the 7/29 events.

Q I'm only talking about the re-recording, sir, so that we understand it, as it effects whether the machine was dropped or not dropped?

A It has absolutely no effect on it.

MR. BEN-VENISTE: I have no further questions.

THE COURT: Mr. Duffy?

MR. DUFFY: Mr. Ben-Veniste reminds me that Mr. Puccio went first the last time. I don't want to go out of order.

THE COURT: I don't know what you're talking about.

MR. DUFFY: All right, I'll go.

CROSS EXAMINATION

BY MR. DUFFY:

Q Did Mel Weinberg tell you where the table was on which he had the tape recorder when he made these two tapes, I mean, the position in the room, not the state?

A It's my understand from what Mr. Weinberg told me that this was a screen room outside of a trailer in Florida.

Q Did he tell you where the table was with respect to a wall or anything like that?

A No, he did not.

Q Did he particularize or review how he knocked the tape recorder off or pulled it off?

A Yes, he did.

Q How did he do that?

A He stated that it was his custom to

particularly sit in a chair beside the table, of the recorder placed onthe table, with the - - with an induction coil plugged into the recorder, into the microphone input, the other end being attached to the receiver of the telephone. And that he would frequently lean back in his chair while he was talking or sometimes would lean forward and cross the cord going from the earpiece to the recorder while he was talking on the phone, he made notes, causing the recorder to turn over on the table or turn over on the table and fall on the floor, which sometimes resulted in the cord coming out. He stated that he did not know if the recorder stopped, that he would simply pick the recorder up, place the plug or the jack or the induction coil back into the microphone input and activate the record button to make sure that the unit was continuing to operate.

Q Now, you're the F.B.I.'s expert, are you not, audio - -

A I am an expert of the F.B.I.

Q You testify in court about tapes and their verity and their integrity, do you not?

A That's correct.

Q You were present when Professor Weiss was conducting the test that he testified to this morning, were

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you not?

A Yes, I was.

Q That was your job, wasn't it?

A At that time, yes.

Q Well, I don't mean to embrace the entire scope of your employment, but when we made a demand to get the tape recorders and the tapes delivered to our experts, you were the fellow from the F.B.I. picked to go out there with that equipment and with the tapes to observe the testing, were you not?

A Yes, I was. It's not normally part of my job to do this.

Q Whatever your job description, you were in the room with these two gentlemen when they conducted the tests that lead to the testimony this morning, weren't you?

A That's correct.

Q And you talked to Mel Weinberg about it, did you not?

A Yes, I did.

Q And that was before Mel Weinberg went on the stand, wasn't it?

A The time period that I talked to Mel Weinberg in relation to the making of these tape recorders

is between approximately August 7, 1980, and August 14, 1980. I don't recall having any conversations with him after that time.

Q And you said you asked him, Mel, what happened, isnt' that right?

A I asked him how he operated the recorder, what circumstances he remembered regarding its operation.

Q Because you knew what our experts were looking for, isn't that right?

A No, I did not.

Q You had no idea what they were looking for?

A No, I did not.

Q Are you telling this jury, under oath, that you were not told by Mr. Ben-Veniste and me in Mr. Puccio's office on the 6th of August, precisely what we were looking for, whether or not the tape recorder was dropped?

You knew that, didn't you?

A In an authenticity - -

Q Will you answer my question, sir?

Are you denying, under oath, to this jury that Richard Ben-Veniste and John Duffy told you that we wanted these tapes examined and the machines examined

because we were challenging Weinberg's testimony in Philadelphia that he had dropped the machines?

Do you deny that?

A I was told that you wanted the tapes examined. I was not specifically advised as to the exact events that you were expecting to find or were expecting to have examined on the recordings - -

Q I am going to ask the question once more a little differently.

MR. PUCCIO: If it is a different question, I will withdraw my objection.

Q Do you deny that Richard Ben-Veniste and I told you the day we met you in Mr. Puccio's office that we wanted our experts to examine those tape recorders and the tapes to find out whether Mel Weinberg lied when he dropped them?

MR. PUCCIO: Objection.

THE COURT: Overruled.

Q Do you deny that?

A I don't recall the specific examination of the tapes to determine whether or not the recorders had been dropped.

Q I'll ask the question again.

I am not talking about the tests, sir; I am

talking about your conversation with Ben-Veniste and Duffy.

Do you remember us telling you in Mr. Puccio's office in front of Mr. Puccio and in front of Mr. Sharf, that we wanted the tapes examined to dispute Weinberg's claim that he dropped the recorders when the tapes were on?

Do you remember us telling you that?

A I don't remember that specific claim.

Q Do you deny that we told you that?

A I don't recall it.

Q But while these experts were making your examination, you got in daily huddles with Mel Weinberg, isn't that true, to tell him what was going on?

A No.

MR. DUFFY: That's all.

THE COURT: Mr. Cacheris? Mr. Brown?

MR. BROWN: Yes.

CROSS EXAMINATION

BY MR. BROWN:

Q Did I understand you to say that Mel Weinberg told you that when he played the recordings, you took notes?

A He said that occasionally he would make notes. He didn't say that he made notes when he made the

recordings.

Q He said occasionally - - Would you repeat that?

He didn't say he took notes at the time of the recording, is that correct?

A He said that he would occasionally lean forward to write something down.

Q That's what I thought you said.

He would occasionally lean forward to write something down?

A Right, but he made no indication that he made notes of the phone calls. In fact, on many occasions, he said he had wished he had kept some type of log regarding the incidents that occurred when he made the recordings so that there wouldn't be any question as to what happened with respect to the recordings.

Q But there are such questions because he didn't keep that log, isn't that right; is that what he said?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Implicit in that, the fact that he said he wished he had kept such records so there would be no question as to the tapes, isnt' that right?

MR. PUCCIO: Objection.

THE COURT: Sustained.

If it's implicit, then it's argument.

MR. BROWN: Thank you, Your Honor.

Q What was it that Mr. Weinberg told you with respect to the taking of notes and why he wished he had?

Would you repeat that for me, please?

A He stated - - he mentioned taking notes, writing something down as a part of his explanation as to what happened to the recorder, why it was knocked over or why it was knocked to the floor.

It was during my discussions with him during the period of August 7, and then again around August 14, that he had mentioned that he wished he had kept some type of log so that he could better recall or explain any incidents that occurred with respect to the operation of the recorder. We might subsequently raise any type of question.

Q So he specifically referred to the fact that he wasn't taking notes but a log which would record whatever happened at whatever time?

A No, he said he wished he had checked the log, that he had not made any notes regarding the operation of the recorder during these conversations.

Q Then what was it he leaned over to write down

at the time of recording, if he told you?

A He didn't tell me, I have no idea.

Q If he didn't keep a record of the log, then what he was writing would refer to something besides the lob, is that right?

A MR. PUCCIO: Objection.

Q As best you understood his answer.

A It could have been anything.

MR. BROWN: Thank you.

THE COURT: Any questions, Mr. Puccio?

REDIRECT EXAMINATION

BY MR. PUCCIO;

Q Do you accept Professor Weiss' conclusions without reservations?

A No, I don't.

Q What reservations do you have, very briefly?

A An obvious observation was made by Mr. Weiss in my presence regarding the July 29th cassette because one of the safety tabs had been apparently punched out as it was now filled in with some other substance.

Normally, I knock out a safety tab in order to prevent accidental recording on a cassette. For example, if you recorded some music, and you wanted to preserve that music, if your daughter was playing in a

concern, for example, you would punch out the safety tab so you wouldn't accidentally record over that music again.

Now, if you wanted to reuse that cassette for some reason, it would be necessary to fill in that hole where the safety tab had been punched out, so you could again place the recorder in the record mode. It's a safety device.

Mr. Weiss had this problem during his making of the test recordings during the drop process; one of the safety tabs got punched out accidentally and he simply placed a piece of tape over the hole so he could continue recording on the same cassette.

In this case, we had a block placed in this hole so the set could again be recorded on. This, to me, is an obvious indication that the cassette had had information on it previously and for some reason somebody wanted to again record information on this cassette. So they simply blocked the hole and they could not make another recording on the cassette.

This would be consistent with the over-recording which Mr. Weiss described on the 7/29/79 cassette recording.

As far as the recorder stopping, the recorders had a tendency to stop fairly easily, and during the test

that he conducted, I observed Mr. Weiss tap each of the five, each of the five cassette recorders on a table, just like a table tap, indicating, sometimes they would stop and sometimes they would not. Sometimes they would go into the record mode to stop; sometimes from the record mode to the play mode, which means that the tape continued to advance. The recorder would drop from basically table height. Each of the five were dropped from basically table height on to a floor, a very hard surface with a very thin quilting offering almost no protection to the recorder, which caused them to strike the floor very violently.

The five recorders were dropped - - well, four of the recorders were dropped five times each on to the floor by sliding them off of the shelf with a cord, with an "L" shaped jack, similar to the jack on the conduction earpiece that Mr. Weinberg provided to me, which I provided to Mr. Weiss.

The fifth recorder failed to operate after the second drop on the floor. It broke. So that ends the testing of the fifth recorder.

On a subsequent occasion, I again took these recorders plus another one to MR. Weiss for his examination. At this time, he acquired two rug samples.

He then used the four recorders, four of the recorders which were still operative, using the telephone induction pickup withe the angular jack. He slid them off to the floor, at least once on to each carpet sample so we now have an additional series of tests that wexe conducted. So from the tapping on the table, we went to dropping, dropping on the floor.

(Continued on following page)

CROSS EXAMINATION

BY MR. PUCCIO:

Q Mr. Ritenour, do you agree with Professor Weiss' conclusion that the two tapes, that is the 29th and 31st of July tapes, were not dropped, but were intentionally turned off?

Do you agree with that without any reservation?

A No, that is what I was getting at.

MR. PUCCIO: I don't have anything else.

THE COURT: Any other questions?

MR. BEN-VENISTE: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Did you perform any tests such as Professor Weiss performed, sir?

A I performed a very simple stop, start test on each of the six Lanier cassette recorders involved and prepared time wave displays of those tests.

I did not have access to the recorders in my laboratory to drop them. We do not conduct an examination unless the tape has previously been examined by someone, the areas which are contested specifically identified, and then we look at the areas which are either confirmed or

rejected in the earlier hypothesis.

In this case I had not --

Q I'm asking you whether you did the tests, sir?

A I didn't drop the recorders, no.

Q You knew from at least August 7th before the trial started from Weinberg that he says that on those tapes what happened was he dropped the machine off the table, right?

A Yes.

Q From that time until today you never tried to duplicate what Weinberg said happened in your own FBI laboratory, is that correct?

A That is correct.

Q With respect to what Professor Weiss did, you say he tapped the machine, isn't it a fact that he slammed the machine on to the table to simulate a drop of a "G" force of one?

A He did not slam the recorder on the table in the manner you demonstrated. If you like to give me the recorder I would be happy to demonstrate.

Q Be my guest.

A I have placed the recorder in the record mode basically by --

Q I'm asking you how he smacked the machine, not

the --

MR. PUCCIO: I object.

THE COURT: Sustained. You asked him to demonstrate how he did it.

MR. BEN-VENISTE: Yes, sir.

Q That is your idea of a tap?

A As compared to a drop on the floor, absolutely.

Q When you tap it like that, did you do a test to show what happens when the trauma is applied to the tape?

A I did not perform this type of test.

Q Even when you performed a test when the machine is banged the way you displayed in the Courtroom what you see on there is not the same as what you see when somebody goes like that (indicating) right?

A Right or wrong, I don't think that is correct.

Q You say that you see the same thing when the machine is slammed on the table as when you simply turn off the switch?

A When this recorder is -- strikes a table or the floor, if it strikes a position, the tape is moving vertically straight up and down, therefore may not be sideways motion which was exhibited on the photograph which is indicative of a recorder falling on its side.

Therefore, it could be dropped in such a manner

as to shut off and not show anything other than a normal stop or start.

Q Let's go back, when you say it could be, did you take that machine into your FBI laboratory, slam it on the table or drop it on the floor so that it landed on the edge and performed the same test?

MR. PUCCIO: Judge, it's been asked and answered. He said he performed no tests.

THE COURT: A long time ago.

Q All you are doing is speculating what may have been as opposed to actually doing the test?

MR. PUCCIO: I object, it's argumentative.

THE COURT: Sustained.

Q Is your testimony based on other than speculation?

MR. PUCCIO: I object.

THE COURT: Overruled.

Q In terms of that speculation --

A It's not mere speculation, it's based on familiarity with the operation of tape recorders and what I observed to be the characteristics of it.

Q You did not do a test to see if your familiarity had any relationship with what actually happened if you had taken the time to drop the recorder?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q With respect to the hole being punched out and filled back in again, that had nothing to do with the wave forms that would be produced when a machine was dropped, is that correct?

A Yes.

Q You are now addressing yourself, whether this was a recording or not, when you talk about that area -- wouldn't the fact that a tape which had been punched out and later filled in again be consistent with a person who after having made a recording punching it out in accordance with the proper procedure so that there is no more recording -- say if a person didn't like what they heard and then filled in that little tab so that he could erase a portion of the tape --

MR. PUCCIO: I object.

Q Do you understand the question?

THE COURT: Do you?

THE WITNESS: Yes, I do.

THE COURT: Overruled. He may answer.

A Yes, that is always a possibility.

MR. BEN-VENISTE: Thank you. Nothing further.

THE COURT: Any other questions?

MR. DUFFY: It comes from Mr. Puccio, sir.

THE COURT: It's always his fault.

MR. DUFFY: I am not ascribing guilt, your Honor.

THE COURT: I understand, that is your function. Re-recross.

RE-RECROSS EXAMINATION

BY MR. DUFFY:

Q Back to the safety clip, the two little things that the Professor told us you can pull off and block recording on Side A or one --

A Usually it's a plastic tab to punch out.

Q Tab A and Tab B?

A If you like.

Q Tab A controls side A?

A In the upper left hand corner as you are looking front side of the tape.

Q You are an expert in this area?

A Yes.

Q You testified in Court before?

A Yes.

Q How many occasions have you testified involving dropped recorders and how they were turned off?

A (No response.)

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Q Ever?

A Ever? None.

Q How many tests have you done to determine what happened on dropped recorders?

A I haven't done any.

Q You didn't do any in this case?

MR. PUCCIO: That has been asked and answered.

MR. DUFFY: Not by me, Judge.

THE COURT: It's argumentative. Isn't it?

MR. DUFFY: Yes, sir.

Q Back to Tab A, if the Professor records his daughter in concert, if he ever gets there, on Tab A, Side A of a brand new cassette -- do you follow me?

A Yes.

Q Then he removed Tab A so that that music is preserved?

A Yes.

Q Then he goes into the second movement where she made a mistake and he wants to erase that part, what does he have to do to get the cassette back in the machine to go through that first four or five minutes and get to the part he wants to erase? Doesn't he have to replace Tab A?

A Not to play the tap, forward it to the place.

Q When he wants to get -- doesn't he have to

replace the --

A He has to block the hole.

Q Replace it with something, a bobbypin, paper clip, scotch tape?

A Something, but not within that realm.

Q He plugs that hole left by the removal of Tab A and now he is able to erase?

A Yes.

Q From the point he commences his erasure, he can record without disturbing what goes before?

A That is correct.

Q Let's parley that into a conversation, if I talk to you on the telephone, and I have a conversation that leads into an area I don't want to perpetuate, but I record the whole conversation and I remove Tab A to preserve it, and later determine that when we come to the part where we are talking about play acting, I want to take that out, can I plug Tab A again and erase from that portion on?

A You can, yes.

Q Then couldn't I get back on the telephone and record right over it?

A (No response.)

Q In another call of six minutes,versus nine minutes -- could I do that?

A Yes.

MR. DUFFY: That is all.

THE COURT: Any other questions?

Thank you, you may step down Mr. Ritenour.

Next witness.

MR. BEN-VENISTE: Agent Boutwell.

J. G A R Y B O U T W E L L, a witness called herein, was sworn by the Clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

MR. BEN-VENISTE: May I proceed?

THE COURT: You may proceed.

Q Agent Boutwell, you are a Special Agent with the FBI?

A That is correct.

Q You know Mel Weinberg?

A I do.

Q Were you the case agent in the Pittsburgh fraud investigation?

A Yes.

Q Does that mean you were in charge of that investigation?

A That is true.

Q There came a time when you had enough evidence to arrest Mr. Weinberg, is that correct?

A Yes.

Q He was arrested by agents in New York, is that correct?

A Yes.

Q He was subsequently indicted?

A Yes.

Q He plead guilty to all counts of the indictment, did he not?

A He plead guilty. I can't recall if he plead guilty to all the counts.

Q You were interested in that case in terms of locating victims?

A Yes.

Q I believe in the indictment there is a statement that in excess of $200,000 was swindled out of the victims by Mr. Weinberg?

A That is the total figure, yes.

Q Is that simply on the basis of all the victims you were able to locate?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q With respect to Mr. Weinberg, did there come a

when you learned he was the -- he was supposedly cooperating with the FBI?

A Yes.

Q Did you have a chance to talk with him after his entry of a guilty plea?

A Yes.

Q Did Mr. Weinberg at anytime tell you about other individuals with whom he was cooperating in the perpetration of the London Investors fraud?

A I am sorry, would you repeat that.

Q Let me try it again.

Agent Boutwell, Mr. Weinberg testified in this Courtroom that he was sort of a franchiser of this fraud. Other con men came in and he allowed them to use this fraud in return for some kind of a payment.

Did Mr. Weinberg back in 1977 tell you anything about this?

MR. PUCCIO: I object, your Honor. It's collateral.

MR. BEN-VENISTE: It goes to motive, your Honor.

THE COURT: Sustained.

Q Did you at any point debrief Mr. Weinberg?

MR. PUCCIO: Same objection, Judge.

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THE COURT: Overruled.

A My discussions with Mr. Weinberg centered around London Investments which was my interest.

Q Did he at any time provide you with information other than about London Investors?

MR. PUCCIO: Objection, your Honor.

THE COURT: Read the question.

(Last question read by the Reporter.)

THE COURT: Overruled.

A In what context? That is pretty broad.

Q In the context of his either volunteering or you asking him questions?

A About himself?

Q Yes.

Frauds he had been involved with.

A No.

Q Is there any record as far as you know in the FBI of Weinberg sitting down and telling some agent all the frauds he had been involved in?

A Not to my knowledge.

MR. BEN-VENISTE: Nothing further.

(Continued on next page.)

THE COURT: Mr. Duffy?

MR. DUFFY: Yes, your Honor.

CROSS EXAMINATION

BY MR. DUFFY:

Q Agent Boutwell, where were you working then, back when -- when was it '74, '77?

A Seventy-seven, Pittsburgh, Pennsylvania.

Q At that time,did you know John Good ?

A I had some phone conversations with him sometime during 1977.

Q When you were working on the case of Mel Weinberg and the London Investments, were you acquainted with John Good before the arrest?

A I am sure I talked to him on the phone in connection with a case.

Q When you brought Mel Weinberg to PIttsburgh or when he was brought to Pittsburgh, were you in on the Court proceedings?

A Yes.

Q Did you fully expect that he was going to get a jail sentence when he pled guilty?

A I had no understanding other than the fact it was up to the Judge.

Q You were in court the day he was sentenced

to three years in jail?

A Yes.

Q After that, the FBI went to bat for him and got the sentence changed, is that correct?

A That is really not my recollection.

Q You weren't in on that, were you?

A Well, I have no recollection of us going to bat for Mr. Weinberg to get the --

Q When you say us, you are considering the FBi or referring to Pittsburgh and New York --

A Referring to Pittsburgh and New York.

Q Are you saying that the agents from Happhauge didn't go to bat for Mel Weinberg or don't you know?

A I can't answer that in thatform. You will have to be more specific.

Q Did anybody in the Pittsburgh agency of the FBI try to get Mel Weinberg out of going to jail?

A Mr. Weinberg's possible contribution to the FBI was made known to the Judge, yes.

Q And by the Pittsburgh people?

A I was part of that.

Q Who were the rest of --

A Jack McCarthy, John McCarthy.

Q The fellow who testified this morning?

A Yes.

Q How about Mr. Good, John Good?

A Myron Fuller --

Q How about Mr. Good?

A I had no personal contact with Mr. Good.

Q You are aware he wrote a letter?

A I understand there was a letter.

Q This occurred after the Judge refused to put him on probation and sentenced him to jail?

A I don't know the time period. I was not involved in that.

MR. DUFFY: That is all.

THE COURT: Mr. Cacheris?

MR. CACHERIS: No.

THE COURT: Mr. Brown?

MR. BROWN: No.

THE COURT: Mr. Puccio?

MR. PUCCIO: Nothing, your Honor.

THE COURT: Thank you, you may step down. Next witness.

MR. BEN-VENISTE: John Good, your Honor.

J O H N G O O D, called as a witness, having been first duly sworn by the Clerk of the Court and testified as follows:

Good

THE CLERK: State your name for the record?

THE WITNESS: John F. Good. G-o-o-d.

MR. BEN-VENISTE: May I proceed?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Good, who travelled with Mr. Weinberg to New York on the 23rd of January, 1980, if you know?

A I don't know who travelled with him to New York, he was met by an agent upon his arrival.

Q As far as you know, he did not -- he was not accompanied by an FBI agent on the airplane?

A As far as I know, he wasn't.

Q And the agent who met him was Bruce Brady?

A Yes.

Q He works for you?

A Yes.

Q You supervised Bruce Brady?

A Yes.

Q When did you learn that Mr. Weinberg was missing something?

A Upon his arrival at the hotel.

Q What did he tell you?

A He indicated that his bag was broken into

during transit and cigars and three or four tapes were missing.

Q That his bags were broken into?

A Bag.

Q And thre e or four tapes were missing and cigars were missing?

A Yes.

Q Did he say how many cigars?

A Not to my recollection.

Q Did he say how many bags were broken into?

A One of his bags.

Q Did he say where he had placed the cigars and the tapes which were missing?

A I don't recall where he said they were placed at that time.

Q And was it a matter of concern to you?

A Yes, it was.

Q These tapes were presumably Abscam tapes?

A That is correct.

Q It was a serious matter, is that correct?

A That is correct.

Q This Abscam investigation was still going on in January?

A That's right.

Q And did you write up a report, Agent Good,

with respect to this event?

A No, I did not.

Q Did you specifically direct that someone write up a report regarding this event?

A No, I did not.

Q Was it your decision not to have a report written?

A No, it was not.

Q And whose decision was it?

A There was no decision one way or the other. I made several phone calls in connection with the theft.

Q Are you suggesting that you, as supervisor of this investigation, did not make a decision with respect to the writing of a report concerning this missing tape episode?

A I took waht action I deemed necessary at the time.

Q It was your decision that a report not be written, is that fair to say?

A That is correct.

Q You say three or four tapes, is that what Mr. Weinberg told you?

A Yes, that is correct.

Q Or is that just your recollection?

A That is what he said was his best recollection of what was missing at the time.

Q And you were present when Agent Brady testified in the Court?

A Yes.

Q He testified that Mr. Weinberg said four or five tapes, do you recall that?

A I do.

Q Is he wrong?

A I recall Mr. Weinberg telling me it was three or four tapes.

He wasn't absolutely sure of the number.

Q Do you remember Agent Brady testified that Mr. Weinberg testified he lost one bundle of cigars?

A Yes.

Q Do you recall Mr. Weinberg testifying he lost two bundles of cigars?

A Yes.

Q What do you recall?

A That he lost cigars.

Q Didn't say how many?

A No, he didn't.

Q Did he have any other tapes to produce to you on the 23rd?

A I don't recall.

Q Are you saying, sir, that when he showed up in New York, saying that his bag had been broken into, and some tapes were missing, be it three or four or five, that you don't know whether he, at that time, said at least I salvaged these and here they are?

A I don't recall exactly how many he had with him. If he did, he would have turned them over to one of the agents to be recorded in the usual manner.

Q And wouldn't it make a differece to you in terms of whether Mr. Weinberg was being truthful as to whether he said some tapes were missing but some I managed to keep?

A I believe Mr. Weinberg was being truthful. If he were trying to hide tapes, he would not have reported them missing.

Q Unless somebody knew he made tapes and all of a sudden the tapes disappeared?

A He travelled from Florida by himself. Nobody knew how many tapes he had.

Q Presumably somebody knew something about what Mr. Weinberg was doing in Florida?

A There was not an agent staying with him in Florida at this time.

Q Didn't you have any idea what Mr. Weinberg was doing in Florida?

A Yes, I did.

Q Now, you have absolutely no recollection after this serious event of the tapes being supposedly stolen as to whether he reached in his pocket and said, here are some tapes that weren't stolen?

A I don't recall at this time, no.

Q From the time that Mr. Weinberg first testified about those tapes last week, sometimes, I guess, until today, haven't you made any effort to find out, sir?

A No, I haven't.

Q And wouldn't it have stuck in your mind if Mr. Weinberg had said there were some tapes I had in this suitcase but others I had in my pocket here and here are the ones I had in my pocket?

MR. PUCCIO: Judge, it's been asked and answered at least a few times.

THE COURT: Sustained.

Q Take a look, sir, if you will, to -- may I approach the witness?

THE COURT: Yes.

Q At these two exhibits.

MR. PUCCIO: May I have the numbers, please?

Q Will you provide the numbers, please?

A I don't see any numbers.

Q What are those exhibits? Who will give them some numbers?

A This is a recording of a conversation between Howard Criden and Mel Weinberg January 18th, 1980.

MR. PUCCIO: Are these going to be offered now?

MR. BEN-VENISTE: I object to Mr. Puccio making a comment, your Honor.

THE COURT: First, let's find out what we are talking about.

MR. BEN-VENISTE: Because Exhibit 7F, will be a conversation dated January 18th, 1980, 10:04.

And 8E will be a conversation dated January 18th, 1980, with no time indicated.

Q Is that correct?

MR. PUCCIO: If they have been marked, may I be permitted to see who the conversations are --

MR. BEN-VENISTE: Of course, Mr. Puccio.

Why don't we open them up and look -- let Agent Good testify as to who they are between.

THE COURT: 3500 231 and 232?

MR. BEN-VENISTE: Sure, should be, but there

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is no mark on the actual exhibit.

THE COURT: 231 and 235.

MR. BEN-VENISTE: They should have 35 markings as well.

Q Look at those Exhibits, Agent Good, and tell the jury whether it is not a fact that those tapes were turned over to you on January 23rd by Mel Weinberg?

A Turned over to Agent Brady on January 23rd.

Q By whom?

A Mel Weinberg.

Q And so in fact, some tapes were salvaged, is that correct?

A That is correct.

Q This refreshes your recollection?

A That is correct.

Q Now, now that your recollection has been refreshed, would you tell the jury how Mr. Weinberg explained to you some tapes had been supposedly stolen and others not stolen?

A Some tapes were taken out of his luggage.

Q Now, do you remember he said some tapes were taken?

A Tapes were taken.

Q Where were the ones that weren't taken?

Where did he have those?

A They apparently were still in his luggage.

Q Did you see them in his luggage?

A No.

Q Did you watch him open the luggage?

A No.

Q In what compartment of the luggage were these tapes?

A I have no idea.

Q Do you know that Mr. Weinberg claimed that he put the cigars and the tapes in an outside pouch of his suitcase?

A I heard him testify to that.

Q And is that the first time you heard that?

A That is correct.

Q If you had written a report up as to what Mr. Weinberg said at the time, all the information would have been in it?

A I --

MR. PUCCIO: Objection, argumentative.

THE COURT: Sustained.

Q Are you the one who asked Agent Brady to bet Mr. Weinberg to give him the film of photographs he had taken at W street in Washington?

MR. PUCCIO: I object as being collateral.

THE COURT: I'll permit an answer to that question.

A I don't recal[illegible] specifically requested him to do that or ask[illegible] to do this.

Q How did you f[illegible] Mr. Weinberg had taken those photographs?

MR. PUCCIO: I object to this.

THE COURT: Overruled.

Q Do you know [illegible] Mr. Weinberg had taken those photographs for use in a book [illegible] was planning to write?

MR. PUCCIO: Objection, your Honor.

THE COURT: [illegible]e Bar.

(Continued on next page.)

CONTINUED DIRECT EXAMINATION

BY MR. BEN-VENISTE:

Q Did Mr. Weinberg tell you, sir, that he was planning to write a book about Hoover?

A What?

Q At any time.

A Yes. Sometime after February 2nd, it came to my attention, not from him, but from somebody else.

Q At some point in February, according to Agent Brady, you sent him to Florida to get the film back, is that correct?

A No, that's not correct.

Q Or that he was sent to get the film back?

A That's not correct.

Q MR. PUCCIO: I object to this line of questioning.

MR. BEN-VENISTE: I will rephrase it.

THE COURT: Rephrase it.

Q Do you recall that Agent Brady at some point was asked to get the film from Mr. Weinberg?

A No.

Q Do you recall that somebody was asked to get the film from Mr. Weinberg?

A I didn't know that Mr. Weinberg had any

film to send somebody to get back from him.

Q You had heard he had taken some pictures?

A No, I did not hear he had taken pictures.

THE COURT: Give Mr. Puccio an opportunity to object without answering too quickly.

Objection sustained.

Q Do you take issue with Agent Brady's testimony that - -

THE COURT: Sustained.

Q So as far as you know, Agent Brady never went to get any film from Mr. Weinberg?

A MR. PUCCIO: I object.

THE COURT: Objection.

Repeat that.

Q As far as you know, sir, Agent Brady never went to get any film from Mr. Weinberg?

A That's not correct.

Q Did he remember, didn't he?

A He was asked to question Mel concerning some photographs and at that time the film became a matter of subject.

Q Okay.

A I didn't know that until after.

Q When were the photographs supposedly taken?

Gold - direct - Ben-Veniste

A. MR. PUCCIO: I object.

THE COURT: Sustained.

Q. These were supposedly photographs taken in Washington at the W. Street house?

MR. PUCCIO: Same objection, Your Honor.

It's a collateral matter.

THE COURT: Overruled.

MR. BEN-VENISTE: The same exception with regard to Mr. Weinberg's - -

THE COURT: Then put your questions in the form of what Mr. Weinberg may have told him.

Q. Did Mr. Weinberg ever admit to you that he had taken such photographs?

A. No.

Q. Did you ever ask him?

A. No.

Q. Did you think that was not important, sir?

A. He had been- - -

MR. PUCCIO: I object.

THE COURT: Sustained.

Q. You were the supervisor of the Abscam investigation, is that correct?

A. Yes.

Q. When did you become the agent in charge of

the Happauge office?

A It was about August 1st of 1977.

Q When was Mel Weinberg brought to your attention as a possible informer?

A I was aware of Mel Weinberg when I held another position in the New York Office of the F.B.I.

Q In terms of your new job out in Happauge, in the summer of 1977, when did it come to your attention that Mr. Weinberg would be available for some form of service?

A Upon my assignment out there I suggested to Agent McCarthy that he pursue matters with Mr. Weinberg in an effort to obtain his cooperation.

Q So that was right when you started in this superviosry job, you said let's get a hold of Mel Weinberg and let's use Mel Weinberg?

A Or shortly thereafter.

Q I think you previously testified that you had supervisory responsibility from the F.B.I. standpoint for both the New York and Philadelphia aspects of that investigation?

A That's correct.

Q Were you the person who was ultimately responsible for giving Mr. Weinberg instructions as to

the methods he was to employ in trying to bring political figures before your videotape cameras?

A I don't think I can answer that question.

Q Did you know in advance that he would try to get Senator Williams before the cameras by promising that the meeting with the sheik was all B.S., that he would only be on stage for 20 minutes?

MR. PUCCIO: I object to the form.

THE COURT: I will permit it.

Overruled.

A Would you repeat the question?

MR. BEN-VENISTE: Would you read it back?

(Question read)

A I knew that - - I knew in advance that Senator Williams would be appearing before camera - -

Q Try to answer my question.

I am talking about Mr. Weinberg's reputation. I want you to answer whether he knew whether he was going to make representations such as the ones I have indicated to you in substance, yes or no?

A Not completely.

Q You did, however, wish to employ Mr. Weinberg in getting Senator Williams to come to a meeting with the ficticious sheik, is that true?

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A I don't follow your question.

Q Wasn't the whole purpose of getting Mr. Weinberg involved to get him to bring the Senator into the meeting before the cameras - - strike that.

Were you interested in getting Senator Williams before your camera?

A You mean after we had contacts - -

Q After you had your contacts.

A That's correct.

Q It's true, is it not, that Mr. Weinberg deviated to some extent from your instructions in terms of how to get Senator Williams before those cameras?

A I wouldn't say so, no.

Q In other words, you adopted the methods that Mr. Weinberg used as you sit here testifying today?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q You don't disagree with Mr. Weinberg's methods?

MR. PUCCIO: Same objection.

THE COURT: Sustained.

* * *

Q Mr. Good, did you make the statement in substance that Mel Weinberg was the heart and soul of Abscam, that without Mel Weinberg there would be no Abscam, he styled it, made it come down, he was incredible?

A No, I did not make that statement.

Q Do you recall that Mr. Robert Green testified that he had a conversation with you in which you made that statement in substance to him?

A I --

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Did you ever make a statement in substance like that to Mr. Green?

A I confirmed to Mr. Green that Mr. Weinberg was a substantial part of the Abscam investigation.

Q The rest of it you are saying is just Mr. Green's embellishment?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Did you ever say that without Mr. Weinberg there would be no Abscam?

MR. PUCCIO: Objection, asked and answered.

THE COURT: Sustained.

MR. BEN-VENISTE: I want to break it down.

I asked about the whole quote that Mr. Green wrote. I hoped to save time.

I will break it down.

Q Did you ever say without Mel Weinberg there would be no Abscam?

A No.

Q Did you ever say that Mel Weinberg was the heart and soul of Abscam?

A No.

Q Did you say that he styled it and made it come down?

A No.

Q Did you ever say he was incredible?

A I never said he was incredible to Mr. Green, I may have described him with that term.

Q You do feel he is incredible?

A In some instances, yes.

Q And not worthy of belief?

A I wouldn't put it that way.

THE COURT: What do you mean by incredible?

THE WITNESS: His ability.

Q Acts are incredible?

A At times.

Q Now, I take it at least at the beginning you

felt that Mr. Weinberg was a credible informant?

A That is correct.

Q Now, when you first got hold of Mr. Weinberg in or about the summer of 1977, did you spend some time with him in which you obtained the details of his past life?

A In a general way, yes.

Q Did you find out about the Swiss Bank caper?

A I was not aware of that.

Q That preceded the London Investors?

A I don't know.

Q Did you find out to save time about any of the things Mr. Weinberg had testified to in this courtroom involving the past?

A I was not familiar with those in detail, no.

Q When you say in detail, were you familiar with those specifics that he mentioned, whether you knew the details of them or otherwise?

A What specifics?

Q The business with swindling his relatives, business with --

A No, I was not familiar with any of those details.

Q Was that because you didn't ask him or

because he lied to you?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Was that because you didn't ask him, sir?

A That is correct.

Q Now, at some point I think it's been testified the Emir Abdul became Sheik Abdul, was that your decision, sir?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q Well, in the Abscam investigation, there was some -- we heard about a Sheik Abdul, is that correct, sir, there was such a person presented as a Sheik?

A Possibly, yes.

Q Don't you know, sir?

A There were a number of differnt descriptions used to describe these two individuals. It was all a matter of what the individuals who were describing him at the time thought he was.

Q It changed from time to time?

A That is correct.

Q So at some point he is an Emir?

A Some people referred to Emir and some people referred to Sheik.

* * *

. . .

DIRECT EXAMINATION

BY MR. BEN-VENUTO:

Q Did you know, Mr. Good, that Mr. Weinberg had been specifically charged with trying to induce individuals in the London investor's scam to give personal gifts to Ms. Lady Evelyn Knight in order to get favorable action on their loan application?

A No, I did not.

Q Let me show you the indictment in that case

and I ask you to read paragraph F and ask whether that refreshes your recollection, sir?

A This is the first time I've ever seen this indictment.

(Pause)

A That is what it says here.

Q It says that Mr. Weinberg employed that technique in getting people to give gifts to this fictitous lady Evelyn?

A Yes.

Q And you say that you never saw the indictment to which Mr. Weinberg pleaded guilty back in 1977?

A That is correct.

Q Between then and now?

A I have never seen it.

Q I take it you were -- had made no effort to see it?

A That is correct.

Q There came a time when Mr. Weinberg's salary was increased from $1,000 to $3,000 per month, is that correct?

A Yes.

Q That increased from three to $5,000, is that correct?

A That is not correct.

Q Not correct?

A No.

Q He did not receive an increase?

A No, he did not.

Q He received -- strike that.

Were you aware, sir, when you employed Mr. Weinberg to work for you as to whether Mr. Weinberg would be obligted to make restitution in some way, in whole or part, to people he had swindled in the London --

MR. PUCCIO: Objection.

THE COURT: Sustained as to form.

Q Did you ever ask Mr. Weinberg whether he intended to make restitution to the people he swindled now working for the FBI?

A No, I did not.

Q Did you ever ask Mr. Weinberg when he came to work for you in 1977 whether he had declared on his income tax the money he had swindled in the London Investor's caper?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Did you know at the time that you employed Mr. Weinberg to work undercover in the Abscam investigation,

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sir, that he did not file a federal income tax return for the year 1978?

MR. PUCCIO: Objection.

THE COURT: Overruled.

A No, I did not.

Q When did you learn that for the first time sir?

MR. PUCCIO: I object to that, your Honor.

THE COURT: Overruled.

A I don't recall exactly when I learned it for the first time.

Q Approximately?

A Probably in the last five or six months.

Q Was that the result of your asking Mr. Weinberg?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Did you ever ask Mr. Weinberg whether he had filed a 1978 tax return?

MR. PUCCIO: Objection.

THE COURT: Overruled.

A No, I did not.

Q When did you learn for the first time that Mr. Weinberg had not filed a tax return for the year 1978?

MR. PUCCIO: Objection.

THE COURT: Overruled.

A I don't recall exactly when I heard that for the first time.

Q Approximately?

A Would have been within the least two or three months.

Q Last two or three months?

A Yes.

Q From what source did you learn that information?

MR. PUCCIO: Objection, your Honor.

THE COURT: Overruled.

A I don't recall really how I heard it but I did become aware of the fact he hadn't filed for 1979.

Q Did you have a conversation with him before that, between the time that you learned that he hadn't filed a 1978 return and the time that you learned he hadn't filed a 1979 return wherein you asked him: what are you going to do about your taxes?

A I think I may have suggested at some point to him that he consult with an official of the Internal Revenue Service concerning his 1979 tax when I became aware he hadn't filed.

Q You say you only learned two months ago -- I am asking you back five or six months ago, when you learned that he hadn't filed for '78.

A I didn't learn that he hadn't filed for '78 until he testified at trial.

Q Pardon me?

A I hadn't learned he hadn't filed for '78 until this trial.

Q I thought you said you learned that five or six months ago?

A I thought you were referring to '79.

Q You learned five or six months ago that he had not filed a tax return for '79, is that correct?

A It would have been right around that time, yes.

THE COURT: Five or six months ago?

It wasn't due until April '80.

THE WITNESS: It was right around the time he should have filed I spoke to him.

Q You said: what about your taxes --

A No, I said: "Have you filed, do you intend to file your tax return this year?"

Q Did he say he intended to file?

A Yes.

Q At the time you asked him that question, you are telling this jury that you didn't know that he had not filed '78's return?

A That is correct. I didn't ask him about '78 then.

Q He didn't say to you: hey, I haven't even filed '78, what are you hugging me about '79?

A No.

Q But he received money from the Government in both of those years?

A Yes.

Q Was it you who made the decision not to withdraw the taxes from that money when you paid him?

A No.

Q Was that Mr. Weinberg's decision?

A No.

Q Who made that decision?

A The usual procedure of paying somebody in Mr. Weinberg's status is not to withhold any tax money from his pay.

He is not a salaried employee of the FBI.

Q Doesn't he get a salary every month?

A He is a paid informant.

Q You heard him testify he was a special

employee?

A No.

Q You didn't hear that in Philadelphia?

A I heard you use that term, Special employee.

Q You didn't hear either Mr. Puccio or Mr. Weinberg use those terms?

A Not to my recollection.

Q In Philadelphia?

Would you find those references, please.

MR. PUCCIO: Judge, I object to this.

THE COURT: Sustained.

Q The FBI was paying Mr. Weinberg through the cover of Abdul Enterprise for some period of time?

A Yes.

Q After February, I take it, that procedure was discontinued, is that correct?

A Procedure of paying him through Abdul Enterprise was discontinued.

Q He has been paid $3,000 per month from February up until today?

A That is correct.

Q And that is a check thatcomes directly from the Government?

A No.

Q Where does it come from?

A I don't know what account he's paid from. Agent Brady handles the monthly payment. I'm not aware --

Q You are saying it comes from some other fictitious company?

A I don't know exactly what account Agent Brady pays him through right now.

Q Bradley was his undercover name?

A That is correct.

Q But, in any event, you know there is no withholding up until today?

A Yes.

Q From the time you learned he hadn't filed the tax return in '78 and '79, you are still not withholding from his salary?

MR. PUCCIO: Objection, asked and answered.

THE COURT: Sustained.

Q Now, you were asked about Mr. Weinberg's bonus when you testified in Philadelphia, were you not?

MR. PUCCIO: Objection, your Honor.

THE COURT: You haven't asked anything about the bonuses yet?

MR. BEN-VENISTE: No.

THE COURT: Sustained.

Q Did you have a conversation with Mr. Weinberg in which you told Mr. Weinberg in substance you were going to put him in for some kind of a bonus when the case was over?

A That's correct.

Q When did you have that conversation?

A I don't recall exactly when.

Q Where was it?

A I don't recall exactly where.

Q I am not asking you for exactly when or where, I am asking you to the best of your recollection when was it and where?

A I don't recall where it was and I can't be sure exactly when it was. It was sometime over the last six months.

Q Did you make some memorandum of that conversation for the files so that someone reading the file would know that you had had such a conversation with Mr. Weinberg?

A No.

Q When you testified in Philadelphia, sir, you did not mention that conversation, did you?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained as to form.

Q You were questioned in Philadelphia about

the bonus, were you not?

A I believe so.

Q Did you tell Judge Fuller then that you had made such a promise to Mr. Weinberg?

MR. PUCCIO: Objection, your Honor.

THE COURT: Overruled.

A I don't believe I was asked that question down there.

Q And of course we didn't know about it but we were asking you about bonuses --

MR. PUCCIO: Objection to the statement.

THE COURT: Sustained.

Disregard the statement.

Q Did you or did you not tell Judge Fuller about the promise you had made to Mr. Weinberg about the ultimate bonus?

A No.

MR. PUCCIO: Objection.

Q Thank you.

THE COURT: I will let it stand.

Q Now, you knew that Mr. Weinberg was supposed to make the contact with Mr. Criden to set up the Philadelphia Barclay Hotel meeting, did you not?

A Yes, I was.

Q Did you tell Mr. Weinberg what to say?

A I told him the general information as to who would be contacting Mr. Criden in Philadelphia.

Q That is all you said?

A I gave him the names of the people who would be there and the fact that Agent Haridopolos would be the primary intermediary between --

Q When did you provide that information to Mr. Weinberg?

A I don't recall the exact date.

Q Approximately?

A It would have been the same day, probably that day he called Mr. Criden and advised him of the fact that Agent Haridopolos would be contacting him.

Q Do you know of only one contact by Mr. Weinberg to Mr. Criden concerning setting up the Philadelphia meeting?

A There were one or two, I'm not sure.

Q How about three?

A I would have to check the phone calls to find out.

Q And who -- could you check the one that was lost?

A I don't know that there was one lost.

Q Could you check it if it were lost?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q What did you tell Mr. Weinberg to tell Mr. Criden in that telephone conversation?

A Basically that Agent Haridopolos would be in touch with him and there was another representative of the Sheik who was going to be in Philadelphia and wanted to meet with him.

Q That is all Weinberg was supposed to tell Mr. Criden?

A In general.

Q No other specifics?

A Not that I recall.

Q Did you not instruct Mr. Weinberg to tell Mr. Criden that another Jewish individual would be taking over some responsibility?

A I never made any reference to that at all.

Q Did you tell Mr. Weinberg to specifically mention to Mr. Criden that the individuals in Philadelphia wanted to meet with Ozzie Meyers?

A I don't believe I made that reference, no.

Q If Mr. Weinberg did that, that was contrary to your instructions?

A No, it would not be contrary.

Q Beyond your instructions?

A No, I wouldn't say that either.

Q Did you instruct him to specifically mention Ozzie Meyers?

A I don't think I did. But I am not positive about it.

Q How can you say it wasn't contrary to your instruction if you don't recall your instructions?

A It would be logical for him to do since we met with Congressman Meyers and he was in Philadelphia.

Q You mean to say you left it up to Mr. Weinberg to make those decisions?

A It could have been possible, yes.

Q If you had known, sir, back in July of 1979, that Mr. Weinberg had deliberately altered or deliberately failed to record certain portions of conversations, would you have continued to use him in your investigation?

A I never had any such knowledge.

Q I asked you if you had learned that Mr. Weinberg had altered any tape or deliberately failed to record certain portions of conversations, would you have continued to use him in your investigation?

A I would have had to have all the facts

before I could make a decision on that and wanted to know the reasons why.

Q So it's possible you would have continued even knowing that, sir?

A It depends on the situation that would have been involved.

Q If Mr. Weinberg had deliberately told Mr. Errichetti that in connection with the Meyer's meeting --

THE COURT: Mr. Ben-Veniste, we've got enough trouble with what happened without dealing with hypotheticals.

Sustained.

Q Your answer is, sir, you wouldn't know --

THE COURT: There is no question.

Q Is it fair to say, sir, that if you had known that Mr. Weinberg --

THE COURT: Sustained to the "if."

Q Do you know who Mr. -- strike that.

Had you ever heard of Mr. Criden before the 26th of July, 1979?

A No, I had not.

Q Do you know who Mr. Neifeld was in connection with this investigation, or Nyfeld?

A The first time I heard his name was during

the course of the trial here.

Q Didn't you know Mr. Neifeld was the person who owned the option on the land in Atlantic City that Mr. Criden and Mr. Johansen were interested in?

A I was not familiar with this detail.

Q Does that refresh your recollection?

A I remember hearing it during the course of the trial.

MR. BEN-VENISTE: Nothing further.

THE COURT: Mr. Duffy?

CROSS EXAMINATION

BY MR. DUFFY:

Q Let's stay right in July of last year, Agent Good. Are you telling the jury that you didn't know before the 26th of July, 1979, that Louis Johanson and Howard Criden and the Mayor were coming down to the boat to talk to your man Amoroso and Weinberg?

A I believe I knew about the meeting on the boat.

Q You knew there was a telephone conversation on July 14th, 1979, between Mel Weinberg and Lou Johanson, did you not?

A I became aware of that phone call.

Q Did you listen to the tape of that telephone

call?

A At some time I probably did.

Q Back then, July 1979, did you?

A No, I did not.

Q Tell the jury what happened to tapes when Mel turned them over.

Let's say his week's taping, turning in today, what did you do?

A What did we do?

Q You.

A I never came in contact with the tapes, or very seldom.

Q You are telling the jury that you didn't know until -- a month later what would be on the tapes?

A In some instances that would be correct.

Q How about the tape that we played here in the Courtroom, the thing that occurred last June involving Mel Weinberg talking to Senator Williams? When did you first hear that?

A That probably would have been shortly after that meeting.

Q You heard that one shortly after but you don't know when you heard the others?

A That is correct.

Q Did you take any action in regard to Mel Weinberg's contact in that meeting that we heard on tape?

A Nothing.

Q Did you say: Hey, Mel, you can't do that?

A I don't recall ever saying anything to that effect, no.

Q Did you yourself form a judgment as to the propriety of the remarks or the urging that Weinberg addressed to the --

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q You were running this operation, were you not?

A That is correct.

Q Let's make that clear to the jury, you were the boss of Weinberg and Amoroso, McCarthy, and the rest, is that correct?

A That is correct.

Q Back in July you say that you knew Lou Johanson and Howard Criden were going down to the boat before they got there?

A Yes.

Q Did you know something was going to be brought up on the boat about getting help to the Sheik to

get into the country?

A I was not aware of that prior to the meeting.

Q When did you first learn that?

A It would have been probably that day or the next day, whenever it was that Agent Amoroso called me and advised me of the results of that meeting.

Q You didn't control Amoroso and Weinberg as regards the areas they would enter in this scam?

A Not at the initial stages such as that meeting was. We had many, many instances where ideas were thrown out but never pursued. That is one thatdid happen to develop in an area we pursued.

Q You, the boss of the operation, for whom these fellows were working, had no idea on the morning of the 26th that they were going to undertake --

A I knew what they were going to undertake, specific topics of conversations that might come up.

Q You knew what they were going to -- do you mean to say you knew they were going to try to talk to these fellows about getting politicians to help the Sheik?

A I knew they were meeting with Mayor Errichetti, Mr. Johanson, Mr. Criden, Mr. Meiler and we had previous dealings with Mr. Errichetti involving --

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Q I'm talking about what was said to the people about this new undertaking, did you know that was going to come up?

A No.

Q You had no idea even though you were the boss?

A I had no idea of the specific conversations that were going to take place on the boat that day.

Q Specifics aside, isn't it true you knew that an approach would be made that day to try to get these men to introduce politicians?

A No, I did not.

Q So that Amoroso came up with that on his own without your prior approval?

A The idea was thrown out at that particular meeting. I was advised subsequently.

Q When Mel Weinberg came up on the 23rd of January and he brought the bag in from the airport, the one from which the tapes were supposed to be missing, did you examine the bag?

A No, I did not.

Q And can you tell the jury whether there were any signs on the bag of forcible entry?

A I didn't examine the bag.

Q Can you tell the jury what kind of bag it was? Can you describe it?

A No, not really, I didn't examine the bag.

Q Was it a suitcase as opposed to something carried on a hanger, or don't you know?

MR. PUCCIO: I object. The question has been asked several times.

THE COURT: He hasn't examined it.

Did you see it?

THE WITNESS: No, I don't recall seeing the bag.

Q Mel Weinberg tell you, John, this was a bag I carried on to the airplane?

A No, he didn't.

Q Did he tell you, John, this is a bag I shipped in the baggage department?

A No.

Q Did you ask him?

A No.

Q Could you have had any idea where to look for the theif?

A I didn't look for the theif.

Q Were you here in Court when Weinberg testified it was a carry on bag?

A Yes.

MR. PUCCIO: Objection, your Honor.

THE COURT: I will permit it, he already answered.

Q You were here in Court?

A Yes.

Q When he gave that testimony?

A Yes.

THE COURT: Did you say it?

MR. DUFFY: It.

THE COURT: It was a carry-on bag, didn't he testify to two bags?

MR. DUFFY: Your Honor, I figure there were tapes stolen out of one if they were stolen.

Q Did he tell you he had two bags?

A Yes. I was aware he had two bags.

Q Did he tell you which bag contained the cigars and tapes?

A I believe he testified here as to which bag contained -- I didn't ask him myself personally as to which bag contained the tapes.

Q Did he say how the theft could have occurred in mid-air on a locked airplane?

A He assumed that had taken place during the

course of the loading of the bags in Florida or unloading them in New York.

We sent out agents to question the baggage handlers in both locations.

Q He said he carried the baggage on to the airplane?

A No, he checked both of his bags, he said.

(Continued on next page)

Q So he told a different story here in the Courtroom didn't he?

A He told the same story here in the Courtroom tht I understood to be the correct one. That both bags were checked.

Q Did he give you any kind of ticket, any baggage plane number?

A I told you I didn't personally question him concerning the loss at that time.

Q Agent Good, I'm going to leave this with this question, are you telling this Jury that in this Courtroom it is your recollection that Mel Weinberg said he checked the baggage through, not that he carried it on the plane?

A That's correct.

Q Are you friendly with Bob Green, the fellow who testified here yesterday?

A I know Mr. Green.

Q He is the fellow whose going to write The Sting Is Gertrude Man.

MR. PUCCIO: Objection your Honor.

THE COURT: Overruled.

Q (continuing) Is that right?

A I don't know whether that is going to be the title of the book or not. I know he is writing a book.

Q He is going to write a book about Mel Weinberg's escapades? You heard of that.

A I did.

Q Back during this investigation when you were the agent in charge, did you work closely with any lawyers employed by the Government?

A Yes.

Q Wasn't Mr. Puccio the man who was in charge of this investigation?

A That is correct.

Q Did you report to him from time to time?

A I did.

Q Did he listen to tapes as the case progressed?

A He did.

Q Did he hear the Williams tape?

A I don't know whether he did or not.

Q Did you ever get any instructions from Mr. Puccio to tell Mel not to do this or to do that?

A Not really specifically, no.

Q How about unspecifically?

A Yes we did.

Q Guidance for Mel Weinberg in the pursuit of this scam?

A Mel Weinberg and all the agents involved.

Q Now you said, I believe that you didn't go back thoroughly, and maybe I am characterizing it and I shouldn't, but thoroughly into Weinberg's task when you enlisted him or he enlisted you to start the ABSCAM? Is that correct?

A Yes, that is right.

Q Were you aware, however, that he specifically had a charge in Miami of interstate transportation of stolen securities?

MR. PUCCIO: Objection, Judge.

THE COURT: Sustained.

Q You told Mr. Ben-Veniste that Weinberg never got a raise to $5,000 is that correct?

A That is correct.

Q Isn't it true that in February of this year he got a retroactive raise back to the prior November of $2000 a month in a lump sum?

A No. I think one month he got an additional $2,000 for some specific reason.

Q And he is still being paid $3,000 today? Is that correct?

A That is correct.

Q Alright. As an employee of the FBI, a

salaried employee, don't you get a W-2 form every January?

A Yes I do.

Q You are saying that Mel Weinberg was not a salaried employee and therefore no taxes were withheld and therefore he got no W-2 in January?

A That is correct.

Q Did he get a 1099 form, the kind of form that is given to an independent contractor?

A No, he did not.

Q You say Mel Weinberg was not an employee of the FBI.

Was he in business for himself?

A No, he was not.

Q He was employed by Abdul Enterprises?

A He is characterized by the FBI as a paid informant.

Q But no 1099 form was given to him?

A No.

Q So no statement came from our Government to Mel Weinberg saying this is how much he was paid last year so that the Internal Revenue Service would know?

A That is correct.

Q Now, you answered Mr. Ben-Veniste about your knowledge of his filing of returns.

You were in Philadelphia when we conducted the hearings before Judge Fulum, were you not, sir?

A Yes I was.

Q Isn't it true that that is when you became aware when we got it out of Mel Weinberg under oath.

MR. PUCCIO: I object, your Honor.

THE COURT: Overruled.

A That may have been the first time that I heard that he hadn't filed for '78.

Q When I asked him in the Courtroom? Isn't that right?

A It is very possible.

Q Is it may or is it true?

A I am not positive. I may have heard it previously. But I remember hearing it on that occasion also.

Q That was substantially after his '79 return was due, was it not?

A Are you talking about his '78 or '79 return?

Q '79 return.

A No. I knew he hadn't filed for his '79 return right around the time that they were due to be filed.

Q In Philadelphia he lied under oath and told Judge Fulum he filed his '78 return, didn't he?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q When you conduct an investigation, Agent Good, and an agent who works for you and he is employed by the FBI, let us take Amoroso or any other agent involved in this case, or any other case, and you interview that agent about an episode in that case and he refuses to give a signed statement, what happens to him?

A You will have to give me a specific example. I couldn't answer a hypothetical question like that.

Q Let's say you called him in -- well I have to make it hypothetical, sir. Suppose you call an agent in in connection with the ABSCAM and said tell me what happened thus and so and he said I'm not going to give you a signed statement. What is the Bureau's policy in connection with that.

MR. PUCCIO: I object to this as being irrelevant.

MR. DUFFY: I can tie it in, sir.

THE COURT: Overruled.

A I wouldn't ask him for a signed statement.

Q Well, for my question I want you to ask him for a signed statement.

MR. PUCCIO: Then I object.

THE COURT: You want him to assume something that doesn't happen?

Q If you ask one of your agents to give you a signed statement about a development in an investigation and he categorically refuses to do so, what do you do to him?

MR. PUCCIO: Objection, Your Honor.

THE COURT: Overruled.

A It is not Bureau policy to ask agents for signed statements concerning an investigation.

Q You are aware, are you not, that Mel Weinberg refused to give the FBI investigators a signed statement in this very case.

MR. PUCCIO: Objection your Honor.

THE COURT: Sustained.

Q But you continue to pay him $3000 a month? Is that correct.

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. DUFFY: That is all.

THE COURT: MR. Cacheris?

Mr. Brown?

MR. BROWN: No questions.

THE COURT: Mr. Puccio, any cross?

MR. PUCCIO: A few questions.

CROSS EXAMINATION

BY MR. PUCCIO:

Q Mr. Good, you have been with the FBI for how many years?

A In excess of 19 years.

Q Now, in your career with the FBI I assume you have been involved in the investigation of various kinds of crimes, is that correct?

A That is correct.

Q Including white collar crime and official corruption?

A That is correct.

Q Now, have you been involved in supervising other undercover investigations apart from ABSCAM?

A Yes I have.

Q And in these other undercover investigations have you made use of paid informants such as Mel Weinberg?

A That is correct.

Q And in your opinion, Agent Good, may I ask you --

MR. BEN-VENISTE: You are opening the door now. I'm just advising the Court that I intend, if Mr. Puccio wants to go into this area, to go into some other areas related to this.

I do not object to him going into it but I am suggesting he is opening the door.

THE COURT: Forewarned.

Q Mr. Good, in your opinion are paid informants essential to undercover investigations?

A Yes they are.

Q Now, during the course of the ABSCAM investigation did you have occasion to give instructions to Mr. Weinberg?

A Yes I did.

Q And did you have occasion to give instructions to Mr. Amoroso and other undercover agents?

A Yes I did.

Q And did any of these instructions deal with things that should be brought up during conversations with any of the targets?

A Yes. The basic instructions were that the people that were coming in should be pre-disposed to take a bribe and to make a promise in return to do something for us, and that we should have good reason to believe that these individuals would do this.

Q And did you give instructions to Mr. Weinberg to say to --

MR. PUCCIO: Withdrawn.

Good-cross-Puccio

Q Now, you heard the tapes that were made during this investigation in which Mr. Weinberg says things like, "Come on strong"?

A That's correct.

Q Now, was that statement by Mr. Weinberg to "Come on strong" consistent with your instructions?

MR. BROWN: I object to this.

THE COURT: Do I have one objection?

MR. BROWN: You have one.

MR. CACHERIS: You have two.

THE COURT: Alright. Sustained as to form.

Q Well, was Mr. Weinberg ever instructed to ask people with whom he dealt certain questions about people who had come in to meetings?

MR. BROWN: I object to this.

THE COURT: It is very vague.

* * *

(The following takes place in open court.)

THE COURT: Ladies and gentlemen, I will sustain the objection to the last question. You will disregard the question and the answer.

I also want to instruct you to disregard everything you've heard this afternoon relating to any instructions given by the FBI to Mr. Weinberg.

I had a discussion with counsel at the side bar. As a result of that discussion I am just removing that information from your consideration.

I have ruled it is irrelevant to the case and does not bear on any of the issues you have to determine.

Any testimony that you may have in your mind with respect to instructions given by anyone in the FBI to Mr. Weinberg, you have heard this afternoon, just blot it out of your mind and forget it.

You will decide the case based on other evidence closer to the central issue in this case.

You may continue.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

MR. PUCCIO: I ask this be marked as Exhibit 27.

* * *

* * *

(The following took place in open court.)

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. PUCCIO: (continuing)

Q Can you identify that exhibit, Mr. Good?

A Three watches that Mr. Weinberg turned into me last -- end of July, beginning of August.

Q They are Piaget watches?

A Yes, three of them.

Q What is their approximate value?

A Six thousand dollars each.

MR. BROWN: I object.

THE COURT: Overruled.

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A Six thousand dollars each.

MR. PUCCIO: I offer them in evidence.

MR. BROWN: I object. May we question him on the voir dire?

THE COURT: Sure.

MR. BROWN: Thank you.

VOIR DIRE EXAMINATION

BY MR. BROWN:

Q When did you get them from Weinberg?

A Latter part of July, beginning of August.

Q Do you have any 302 or record of that?

A No.

Q Nothing written?

A No.

Q You didn't write down that he turned the watches over?

A I believe Agent Amoroso may have prepared a memorandum.

Q Do you think so?

A Yes.

MR. BROWN: May I please have that memorandum if such a memorandum exists?

THE WITNESS: I have to check to see.

Q When were the watches received by Mr. Weinberg?

A Sometime prior to that, I don't know the exact date.

Q You don't know, two months, three months?

A Shortly before that.

Q Days, weeks?

A I would say within a week or two.

Q You know that to be so?

A I don't know the exact date.

Q Did you check out or is this information coming from Weinberg --

A Mr. Weinberg voluntarily surrendered the watches to us indicating he got them as a gift.

Q From whom?

A Mr. George Katz.

Q Not connected with this case?

A No.

Q Did you check that out and accept Mr. Weinberg's statement?

A I accepted his statement.

Q You had no writing or any other record from Mr. Weinberg whatsoever except his statement?

A That is all.

Q As possibly -- your Honor, may I question from here?

THE COURT: You are beyond voir dire and into cross-examination.

MR. BROWN: I thought it was voir dire with respect to the memorandum.

THE COURT: It's three watches that have been offered in evidence.

MR. BROWN: The memorandum might well confirm --

THE COURT: That is still for cross-examination.

MR. BROWN: Then I will reserve, your Honor.

THE COURT: All right.

MR. DUFFY: May I, strictly on the voir dire?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. DUFFY:

Q Agent Good, do you have a writing here in court that shows the history of movements -- not the watch movements -- but the movement of the watches?

A I don't follow.

Q When the Government has a tape that Mel Weinberg turned over, they have -- I'm looking at 23B, they have David Birch, 19th of September, 1979, evidence transportation and same day gave it to somebody else.

Do you have the same thing with the watches?

A No.

Q Did you keep a careful chronological record similar to what you did with the other evidence? From whom to whom it moved?

A No.

Q You really don't know the date when Weinberg got the watches?

A I already testified to that.

Q You don't know except based on Mr. Weinberg where he was and who actually handed them --

A I was told by Mr.Weinberg they were given to him by Mr. Katz.

Q My question is, all we have is Mel Weinberg's word, right?

A Yes.

MR. DUFFY: That is all.

MR. BEN-VENISTE: May I, your Honor?

THE COURT: Voir dire?

MR. BROWN: Before the voir dire, may I ask a search be made for the memorandum?

MR. PUCCIO: We don't have a memorandum on this. We have the watches.

THE WITNESS: I said there may be, I wasn't sure.

MR. BEN-VENISTE: May I approach the witness

to look at the evidence that is proffered?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Is there any indication on the evidence as to the date you received it from Mr. Weinberg?

A No.

Q Is there any indication whether anybody else knew or was present at the time they were given to Mr. Weinberg?

A To my knowledge there was nobody else present.

Q Is there any indication?

A No.

Q All you got to go on is Mr. Weinberg's word?

A Yes.

Q Is there any indication as to whether anything else was given to Weinberg by Mr. Katz that he didn't turn over?

A (No response.)

Q At or about the same time the watches were given such as cash or something else?

A No, there is not.

MR. BEN-VENISTE: The only objection is as to relevancy and chain of custody. There is not

a writing on the exhibit when received --

MR. PUCCIO: I object to the argument.

MR. BEN-VENISTE: I have another question.

Q Is there some point one of the watches were supposedly missing?

A No.

Q Always three?

A Yes.

Q The news stories were inaccurate about that?

MR. PUCCIO: I object.

THE COURT: Sustained. What may have been in any newspaper story is irrelevant.

MR. BEN-VENISTE: I object on the grounds as stated. Relevancy and chain of custody.

THE COURT: Overruled.

MR. DUFFY: I will be overruled too, sir.

THE COURT: Don't make the objection.

MR. DUFFY: I want my objection on the record.

THE COURT: Same objection?

MR. DUFFY: Continuity.

THE COURT: An objection to one is an objection to all.

27 received in evidence.

MR. PUCCIO: I have no other questions at

this time, your Honor.

THE COURT: All right, back to redirect.

MR. BROWN: May I see those exhibits, please?

MR. PUCCIO: Yes.

(Pause.)

MR. BEN-VENISTE: Nothing further except insofar if a report can be located then we would wish to question on it.

THE COURT: All right.

MR. PUCCIO: Your Honor, may I circulate this exhibit?

MR. DUFFY: I may have some questions. I never saw it before.

MR. PUCCIO: Maybe I have additional question.

CROSS-EXAMINATION BY

MR. PUCCIO: (continuing)

Q Mr. Good, did Mr Weinberg have a van to your knowledge?

A Yes.

Q What kind of a van did he have?

A Customized van, Chevrolet.

Q Was that used in connection with this investigation?

A Yes, it was.

Q Do you remember the color?

A It was tan. I believe a red stripe.

MR. PUCCIO: May I have this marked as the next exhibit?

THE CLERK: The folder?

MR. PUCCIO: Yes.

THE CLERK: So marked as Government's Exhibit 28.

MR. PUCCIO: Your Honor, I would ask to excise -- I am using original documents -- I ask permission to excise several irrelevant terms.

MR. BEN-VENISTE: I haven't seen the documents.

THE COURT: You may proceed.

BY MR. PUCCIO: (continuing)

Q Mr. Good, I show you Exhibit 28 and I ask you if those records pertain to Mel Weinberg's van?

MR. DUFFY: Objection.

THE COURT: What ground?

MR. DUFFY: It's not his van, it's Mel Weinberg's van. Anything he knows is hearsay.

THE COURT: Overruled at this point.

A Yes, they do.

MR. PUCCIO: Thank you, Mr.Good.

I'm calling another witness on this subject.

THE COURT: All right. Is there going to be any further questions of Mr. Good?

MR. BROWN: We should see the document to determine whether we have a question.

MR. BEN-VENISTE: Yes.

THE COURT: They would like to see whatever it is you have marked as Exhibit 28 for identification. You made some reference about a redaction.

MR. PUCCIO: I ask to be permitted to redact certain irrelevant material from the exhibit.

MR. BEN-VENISTE: May I distribute the exhibits I mentioned at the side bar to the jury?

MR. BROWN: I want to ask a question about the watches if it's appropriate at this time.

THE COURT: That is the point we are at.

MR. BROWN: Is that where we are?

THE COURT: Yes.

MR. BROWN: May I?

THE COURT: Yes.

RECROSS-EXAMINATION

BY MR. BROWN:

Q Did you have the watches appraised?

A Yes.

Q You have a copy of the appraisal?

A We didn't get a written appraisal.

Q Who took them up, Weinberg?

A No, one of the agents took them to a jeweler.

Q But we don't have any written appraisal?

A No.

Q One last question: Are you sure reasonably that a memorandum exists, if you say no, believe me, I will say no more -- are you?

A I am not sure a memorandum exists.

Q We can say there is no memorandum and I shouldn't press it any further, is that fair?

MR. PUCCIO: I object.

MR. BROWN: Is it fair?

THE COURT: Overruled.

Q Is it fair?

A I am not sure.

Q That I not press anymore because it's reasonable that there isn't a memorandum --

A There may be one, I'm not sure.

Q Where would it be?

A I would have to search the file. I think there are eighteen volumes of files that would have to be searched.

MR. BROWN: I will ask your Honor -- through your Honor, I ask he try to do that tonight for tomorrow.

I have no further questions about the watches,

your Honor. I never had anything so valuable, I wish somebody would take them from me.

THE COURT: Overnight Mr. Good, examine whatever it is that such a memorandum would be in if there is such a memorandum.

I want a report on it in the morning.

THE WITNESS: Yes.

THE COURT: Any more questions for Mr. Good?

Thank you, Mr. Good; you may step down.

Next witness.

MR. BEN-VENISTE: At this time, may I disseminate these transcripts?

THE COURT: Yes.

MR. BEN-VENISTE: Thank you.

THE COURT: What exhibits are these?

MR. BEN-VENISTE: T11 through T16. T16 is the September 19, 1979 meeting with Errichetti, Cook, Weinberg, DeVito and Poulos.

Should I identify for the record --

THE COURT: Yes.

MR. BEN-VENISTE: T11 is the conversation of January 18th between Mr. Criden and Mr. Weinberg.

T12 is a conversation between Mel Weinberg and an individual with the initials A.F. that we haven't

identified, your Honor. Not a defendant in this case.

Exhibit T13 is a conversation June 19, 1979, between Mr. Weinberg and an individual with the initials G.K. who was not identified at the time the materials were testified to.

Defendant Exhibit T14 is a telephone conversation June 24, 1979, between Mr. Weinberg and the individual with initials A.F.

Exhibit T15 is an excerpt of a telephone conversation, June 26, 1979, between Mr. Weinberg and an individual with the initials G.K.

And T16 is a September 19 transcript of the videotape which the defense made for the jury involving Errichetti, Ellis Cook, Weinberg, DeVito, and Poulos.

THE COURT: All right, you may give those to the jury. They are all received in evidence.

MR. DUFFY: Thank you.

(Exhibits given to jury at this time.)

THE COURT: Anything further from the defense?

All defendants rest. Any rebuttal?

MR. DUFFY: I think we have exhibits not received in evidence. I don't remember an objection, I move for the admission of all defense exhibits --

MR. PUCCIO: I don't have a list in front of me.

I would like to see what we are talking about.

MR. DUFFY: Mr. Levy has made order out of chaos, maybe he can speak to it.

MR. PUCCIO: May we circulate the watches while this is being done?

THE COURT: Yes.

With respect to defendants' exhibits, I have marked B, I, S, U, D, W, Y, Z. And I think that is all.

What exhibits are you now offering in evidence?

MR. BEN-VENISTE: C -- it is the Pittsburgh indictment.

THE COURT: Any objection?

MR. BEN-VENISTE: I thought it had been admitted but the clerk indicated it had not.

THE COURT: It hadn't been identified.

MR. DUFFY: I used that.

THE COURT: Not by exhibit number.

MR. PUCCIO: I would like to look at it. I haven't seen that document.

THE COURT: How many of these defendants' exhibits have not been shown --

MR. DUFFY: He gave me the copy, he has it.

MR. PUCCIO: If an exhibit is not offered at the time it's questioned about, I wouldn't get interested

THE COURT: Get all your defense exhibits together and give them to Mr. Puccio after we finish this afternoon and he will put them on the record. I will inform the jury in the morning which ones are in evidence.

Except for that, do the defendants rest?

MR. BEN-VENISTE: Yes.

THE COURT: Any rebuttal?

MR. PUCCIO: I have a brief matter.

(Pause.)

S T A N L E Y F O R T N E R , a witness called herein, was sworn by the Clerk of the Court and testified as follows:

THE CLERK: State your name for the record and spell it?

THE WITNESS: Stanley Fortner, F-o-r-t-n-e-r.

MR. PUCCIO: May I proceed?

THE COURT: You may proceed, Mr. Puccio.

MR. PUCCIO: Thank you.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q What is your occupation?

A Consumer manager and sales manager for Roger Dean Chevrolet, D-e-a-n Chevrolet, in West Palm Beach, Florida.

Q Are you familiar with Mel Weinberg?

A Only through the legal papers that I brought up here.

Q You brought up the records concerning the trade-in of a certain van, is that correct?

A Yes.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I show you Exhibit 28. Are those records --

MR. DUFFY: Judge, I object, sir. Where I come from we show counsel exhibits before --

MR. BROWN: We have somthing here -- I'm sorry.

THE COURT: How they may do it in Philadelphia is one thing, but counsel are not entitled to see a document until it is offered in evidence.

MR. BROWN: In all fairness,I may have a copy.

MR. PUCCIO: I gave Mr. Brown a copy.

MR. BROWN: He gave it just to me apparently.

Q Are those records of your dealership?

A Yes.

Q Do they reflect a trade-in of a van?

A That is correct.

Q By Mr. Weinberg?

A Yes.

MR. BROWN: I object. He only knows from the legal papers. They speak for themselves.

He may be the custodian but unless he knew Weinberg and participated, I object.

THE COURT: Overruled.

Q Are those records kept in the ordinary course of business?

A Yes. Each individual car has its own file. And it is all stored away.

This is a legal document as far as Roger Dean Chevrolet is concerned.

Q Is it part of your business to keep these records?

A Yes.

Q What is the date on which the van was traded in?

A 6/23/79.

Q Was the van received by Roger Dean Chevrolet on that date?

A That is correct.

Q Those documents indicate that?

A Yes.

MR. PUCCIO: Your Honor, I offer this in

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evidence with the excision, this top document, with the excision indicated on the copy I gave to Mr. Brown, it has to do with an address.

MR. BROWN: We accept it with that excision, your Honor.

MR. BEN-VENISTE: May I see the original?

MR. PUCCIO: I ask your Honor's permission to show only the excised copy as we have done before.

MR. BEN-VENISTE: I presume you are offering an excised copy?

MR. BROWN: I have no problem.

THE COURT: The copy is there.

MR. PUCCIO: I am only offering the top document and the Xerox.

MR. BROWN: Does that complete the examination?

MR. PUCCIO: Yes.

MR. BROWN: Show me which papers? I assume I go first because it affects a witness I produced.

THE COURT: Yes, you may.

CROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Fortner, Judge, is it all right if I question from here?

THE COURT: Yes.

Q Mr. Fortner, you don't know Mr. Weinberg, is that correct, as an individual?

A No.

Q You are the person in -- you have access to records and you were asked to come as custodian and bring certain records from Florida?

A Yes.

Q As far as any individuals involved, you don't have any knowledge?

A I don't know Mr. Weinberg.

Q What you have is a piece of paper? You did have it, where is it?

(Pause.)

Q This piece of paper which I have in my hand, what is it marked?

THE COURT: Twenty-eight.

Q Which is Exhibit 28, represents the records you took out of your files and brought with you; is that correct?

A That is correct.

(continued on next page)

MM fols.

CONTINUED CROSS EXAMINATION

BY MR. BROWN:

Q Now, it shows, in effect, that in June, June 23, 1979, there was a trade in, one van for another, is that correct?

A Well, he traded in the van, yes.

Q For a van?

A Camaro, isn't it?

THE COURT: What kind of a car is that?

THE WITNESS: A Chevrolet.

THE COURT: Sedan? Coupe?

THE WITNESS: He bought a Camaro. If you look on the original, it says Camaro.

Q I will accept your word for it.

It's a code name or serial?

A I assure you it will be on the other.

Q What was traded in was a tan van, is that right?

A Yes.

Q In June, June 23?

A That's correct.

Q So, whoever this gentlemen is and the name Weinberg does appear there, right?

A Yes.

Q So, you don't know whether that was Mr. Weinberg or John Smith, actually, do you, just something on a piece of paper?

A Except Mr. Weinberg is a good customer or our company and they all know him.

Q So you think maybe Mel Weinberg himself did come in?

A I am sure he did because he is a good customer.

Q He did have that tan van?

A Yes.

Q You dont know how many vans Mr. WEinberg had, do you?

A No, they go by the I.D. number.

Q With respect to that piece of paper and the serial number that refers to a Camaro from your records, you are certain a Camaro was bought in June of 1978 - - '79?

A June 23, '79.

Q And that a tan van was turned in?

A Yes..

Q You don't know whether or not Mr. Weinberg had or used any other vans, do you, at any given time?

A No, I would have no idea..

Q You don't know whether the F.B.I. leases vans for use of their personal, do you, you don't know anything about that?

A No.

Q What you're really saying, as far as the piece of paper is concerned, June '79, Weinberg assuming that's the same person involved in this case, turned in a tan van, that's it?

A This van right here.

Q Tan van?

A Along with this I.D. number. It says tan, that's the description of it. The I.D. is the main thing you go by.

Q If you knew how to use the I.D. number?

A Yes.

Q But when you look at it, you look at color?

A Yes.

Q He had one up to June anyway?

A Yes.

MR. BROWN: Thank you.

THE COURT: Any other questions?

MR. DUFFY: Just a couple.

CROSS EXAMINATION

BY MR. DUFFY:

Q You told Mr. Brown that what was purchased was a Camaro, is that right?

A That's my understanding.

Q And the van was swapped in for that?

A That's right.

Q It doesn't say Camaro on here, does it?

A Where is the original?

Q Why don't you answer my question?

A I didn't do this. I didn't print this.

Q A fellow called Bode sold the car?

A Yes, but the information is blank here and it wouldn't be blank on the original.

MR. BROWN: That's a blank piece of paper.

MR. DUFFY: I understand that.

I can handle this.

Q What was given to use in evidence doesn't say Camaro on it, does it?

A I had the original, Your Honor. What happened to it?

MR. BROWN: I accept the serial number, Your Honor.

THE COURT: The question that Mr. Duffy is asking you, does the word Camaro appear on that piece of paper?

THE WITNESS: Not on here it doesn't.

THE COURT: This - - There is something on there that says Camaro.

Q The 7Q199 - -

A Yes.

MR. DUFFY: I ask Mr. Puccio to show me the original. We don't have anything that says Camaro.

THE COURT: May I see the original, please?

MR. PUCCIO: I will handle - - hand up something else which we're not offering.

It's a related copy.

MR. BEN-VENISTE: What is that?

MR. PUCCIO: A related copy.

THE COURT: Is this the document, the pink one that says Camaro?

THE WITNESS: That's a bill of sale.

MR. BEN-VENISTE: Did we get that?

THE COURT: Does that have any significance in terms of what the kind of car is?

THE WITNESS: The original there has the description of the car and what it is.

THE COURT: May I see the document that is the exhibit, please?

MR. DUFFY: I don't see a sticker on it, Your Honor.

THE COURT: Is that the document, Mr. Puccio?

MR. PUCCIO: Yes, sir.

THE COURT: Will you mark it, please?

MR. PUCCIO: The photo is already marked.

THE COURT: I know, but you offered the document in evidence.

THE CLERK: So marked, as 28A.

THE COURT: It's 28A that is in evidence and not 28. May I see it?

MR. PUCCIO: Yes.

THE COURT: Mr. Portnoy, were you trying to tell me on this document 28A that I am holding in my hand a portion that is blocked out here has the word Camaro on it.

THE WITNESS: It should have, Your Honor.

THE COURT: May I show you the original of it?

THE WITNESS: Well, being a Chevrolet Dealer - -

THE COURT: It doesn't say that.

THE WITNESS: No, it doesn't.

THE COURT: I show you this document which

is pink, a bill head of Roger Dean Chevrolet, INC. It's labled car invoice and ask you if that helps you in any way tell us what kind of a car we're talking about?

THE WITNESS: Yes, sir, it says Camaro. The bill of sale says Camaro, Your Honor.

THE COURT: All right.

Do you wish to see that, Mr. Duffy.

MR. DUFFY: I don't want to see anything I'm not supposed to see, Your Honor.

THE COURT: I just want to know if you want to see it.

MR. DUFFY: The exhibit doesn't say Camaro.

THE COURT: Exhibit 28A, nor - - does not say Camaro in those words, nor does the original of which it is a copy with the address of Mr. MelVin Weinberg deleted say anything about Camaro.

There is a document here which I take it is related to this transaction some way, which does say Camaro, which I can show you by folding over address, if you wish to see it.

MR DUFFY: May I see the exhibit that has been put into evidence?

THE COURT: Yes.

Q I don't want to go into all the financial figures, I couldn't understand this stuff.

How much was paid when the car was bought?

A Deposit of $1,006.00, and paid $1,000.00 on delivery.

Q Was that paid by cash or check?

A It should be in the file.

Q Could you answer me?

A The whole complete sale of - - bill of sale.

Q Draft 679, check number 6095, doesn't it say that?

A Yes, the car was financed.

Q Does it say GMAC on there?

A Yes.

Q Is this the only car that Mel Weinberg bought in 1979?

A No, I don't think so.

Q How many did he buy?

Did he buy lots of cars there?

A Two ro three in how long. I guess in the last year.

Q Two or three cars in the last year.

Did you sell him the Lincoln Continental with all the fancy speakers?

A Not that I know of.

Q So if he has one of those, he didn't get it grom you, he got two or three others?

A He has bought two or three from us.

Q That would be the Camaro, what are the other two?

A I think he bought a truck.

Q A pickup?

A Possibly, yes.

Q I don't know, sir.

A I know he has bought two or three.

Q What is the other one, Camaro, truck?

A I said two or three. I am not sure.

Q Was there another one?

A I don't know.

Q Camaro, a truck and something else?

A I don't know.

Q You don't sell cars, do you?

A No, I don't sell cars.

Q Are you the bookkeeper?

A I am one of the sales managers and comsumer relations manager.

MR. DUFFY: That's all, Your Honor.

THE COURT: Any other questions?

MR. BEN-VENISTE: I just would like to understand what these other documents are.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Is this just the history of this van, sir, these other documents relate to who subsequently got the van and all of that?

A Yes, this is who we sold the van to after it was traded in.

Q Can you testify, under oath, here that Mr. Weinberg didn't own another van just like that?

A I wouldn't know.

MR. BEN-VENISTE: That's all.

MR. BROWN: I have one question, Your Honor.

RECROSS EXAMINATION

BY MR. BROWN:

Q Actually, the record indicates that the Government paid for this, doesn't it, just the best you can do?

A I am sorry, but I'm sure this car is financed through one of the banks.

Q May I ask you, this document, which is a photo - -

MR. PUCCIO: I don't believe those are the photos.

Q All right.

You don't know who paid for it?

A I have a copy of the contract itself in the file.

MR. BROWN: Could I see that?

MR. PUCCIO: Here you are.

MR. BROWN: I have no further questions.

MR. BEN-VENISTE: I have one, Your Honor.

THE COURT: Proceed.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q You were not asked to bring up all the records as to all of the cars which your company has records of with respect to Mr. Weinberg?

A No.

Q Just this particular folder pertaining to that particular van?

A Yes, sir.

Q As far as any other cars, trucks or cars, you have records down in Florida, do you, sir?

A I didn't bring any with me, no.

Q You weren't asked to, I am not suggesting that you did anything wrong?

A No.

CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Portnoy, did you come up here under government expense?

Did they pay your way up?

MR. PUCCIO: I object to this.

THE COURT: Sustained.

MR. PUCCIO: The witness is receiving normal subpoena fee.

THE COURT: Thank you, very much.

You're excused.

(Witness excused)

MR. PUCCIO: I call Mr. Houlihan.

THE COURT: All right.

M A R T I N H O U L I H A N, having been duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. PUCCIO;

Q Mr. Houlihan, you are a special agent of the F.B.I. assigned to the Newark Division?

A That's correct.

Q You had occasionto interview a Mr. Joseph DiLorenzo on June 10, of this year, is that correct?

A That's correct.

Q During this interview, you asked Mr. DiLorenzo certain questions concerning gifts, is that correct?

A Yes.

Q Did Mr. DiLorenzo mention to you a Betamax Video Cassette Recorder?

A Yes, that was mentioned.

Q What did he say about that?

Do you recall?

A Yes, if I could refer to - -

Q Are you referring to your report?

A Yes.

Q I have given a copy to Mr. Brown.

MR. BROWN: That's true. I have one.

A With regard to that video cassette recorder, he mentioned that it was purchased at Best Products in Morristown, New Jersey, and subsequently delivered to Mel WEinberg.

Q Did he tell you when - - by whom it was delivered to Mel Weinberg?

A Yes, he said by him and Mr. Errichetti.

Q Did he tell you when it was delivered to Mr. Weinberg?

A Yes. He was specific. He said January 19, 1979.

Q Now, during this interview that you asked Mr. DiLorenzo about any other gifts - -

A Actually, he was the one who brought up the gifts. I wasn't aware of any gifts until he brought it to my attention and obviously I started asking him questions about the various gifts to obtain details of it.

Q Did you obtain specific information about each one?

A I obtained specific information about a number of gifts. There were some other gifts he was a little hazy on with regard to specifics.

Q Did you ask at any time during the interview Mr. DiLorenzo if he had any names of people that he could supply to you who could corroborate the fact that he delivered a gift to Mr. Weinberg other than Mr. Errichetti?

A Yes, that was -- I was concerned about that, whether or not - -

MR. BROWN: Objection.

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THE COURT: Sustained. The answer is yes.

Q At any time during the interview, did he, that is, did Mr. DiLorenzo indicate to you that a girlfriend of his was present when a gift was given to Mr. Weinberg?

A No, sir.

Q At any time during the interview, did Mr. DiLorenzo indicate to you that he had taken a trip to Kennedy Airport to the Ionosphere Lounge or anything along those lines.

A No, sir.

Q Did he indicate to you at any time during 1979 he and his girlfriend were present when a Betamax was taken from his car and put into Mr. Weinberg's car?

A No, sir.

Q At any time during the interview did Mr. DiLorenzo indicate to you that he had taken a trip with his girlfriend to LaGuardia Airport and there observed a Lincoln Automobile?

A No, sir.

Q Belonging to Mr. Weinberg?

A No, sir.

Q Did he say anything to you about Mr. Weinberg being in the company of a sister-in-law?

A No, sir.

Q Did he say anything to you about the sister-in-law or anyone else having a dog around, a poodle or anything like that?

A No, sir.

MR. PUCCIO: That's all I have.

THE COURT: Mr. Duffy, any questions?

Mr. Brown?

MR. BROWN: I have, Your Honor.

CROSS EXAMINATION

BY MR. BROWN:

Q Did you make notes of the interview?

A Yes.

Q Do you have them?

A No. I was summond this morning to court. I had no knowledge I was going to be here. I was down in South Jersey and I had to travel from South Jersey non-stop to Brooklyn, but there are notes in my file in the Newark office and, actually, this is a report - -

Q That's a summary?

A Right.

MR. BROWN: I would ask to have those notes tomorrow morning.

MR. PUCCIO: We have no objection to having them over here if Mr. Houlihan can have them

over here.

Q Now, this narrative was given to you voluntarily by Joseph DiLorenzo, is that right?

A Yes.

Q And he appeared voluntarily at your office with his attorney, is that right?

A Yes.

Q And he brought up the gifts to you, you didn't ask him about them?

A I wasn't aware of any gifts until he brought them up.

Q Now, the narrative that you have here consists of nine pages, as I count it, I may be wrong?

A I believe it's nine.

Q Now, the questions and answers about - - I will withdraw that.

The recitals about the gifts take up roughly - - what would be the equivalent of three quarters of a page, would you say?

A I - -

Q I'm starting at Page 212 at the bottom.

If you examine, I think you will find that 212 and the top of 213 contains the entirety of your records with respect to gifts?

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A Yes, I believe that's correct.

Q So the vast majority of the records here is concerned with other matters other than the gifts, is that right?

A Yes.

Q Would your notes show what questions you directed towards this gentleman as he gave you the information on the gifts?

A Not necessarily, no.

Q So that you simply put down what he gave you without going too deeply into the gifts, is that correct?

A We asked him specific questions and tried to elicit as much information we could about the gifts and he responded.

Q In your opinion, was he responding voluntarily and clearly as you could observe?

A Yes.

Q He wasn't evasive or anything like that?

A No, I would say he was not.

Q He does note that in the general preamble that he was not too certain about certain dates, is that right?

A That's correct.

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Q Then he proceeded to give you the information you set down?

A Yes.

Q With respect to the gifts, I will question you about them alone.

He does state he did purchase a video cassette recorder from Best Products, is that right?

A Yes.

Q Do you have any recollection as to whether he delivered to you a receipt for that Betamax?

A Yes.

Q Do you have it with you?

A No.

Q May I show you defense Exhibit Y, and ask you if that would refresh your recollection as to the unit and purchase?

A Yes.

Q Now, what is the date on that receipt?

A March 3, of 1979.

Q And gave you that at the same time he gave you the recital?

A No, he didn't .

Q He brought it to you later?

A I went to his attorney's office, I believe,

about a week, approximately a week later, and his attorney's secretary gave it to me.

Q With respect to that receipt and the Betamax or video cassette recorder, would you tell us whether or not the receipt coincides with the date he said that he dealt with that?

I call your attention to the first paragraph of the section.

A No, it does not.

Q So that the date of the purchase really on the receipt is March?

A March 3, 1979.

Q And at the time he gave you the interview, he didn't have that with him to refresh his recollection?

A No.

Q So that really shows the date he says he actually bought it, is that right?

A Well, this shows the date that something was purchased at Best Products.

Q And he told you at the time of the interview in June that he purchased it at Best Products?

A That's correct.

Q So that at least the item corresponds to the receipt and teh item corresponds to the statement and

the rec pt, is that right?

A Yes.

Q So that if that date is accurate, then he was incorrect of giving you the original date without having the receipt with him, is that right?

A I guess you could draw that conclusion.

Q Well, it's logical from the comparison of the two, wouldn't you say?

A Unless he bought two video cassette recorders.

Q Or unless that doesn't apply to the one in q question, that's also possible, is that right?

A Yes.

Q As far as the date is concerned, that gives a different date?

A Yes.

Q He told you he wanted to get the receipt to refresh his recollection, did he not, as to dates?

A I don't recall that, that he said that during our interview that he wanted to get the receipt. I really don't recall that.

Q But he said he wanted to get the receipt and give it to you, is that right?

A I don't recall that, to be honest with you. I don't recall him saying that. I know at a later

time I was called by the attorney and he informed me that he had the receipt.

Q You don't know how it came about that he got the receipt for you?

A No. It may have come up during the interview that he may have, he could produce the receipt. I am not sure but it was a short time after that within a few days that I received the call from the attorney and he gave me the receipt.

Q And he represented that was the receipt pertaining to the product?

A Yes.

Q He told you about the stereo value of $3,300.00, adcording to him, that had been requested by Weinberg, is that right?

A Yes.

Q He also told you that Weinberg showed Errichetti a piece of paper which contained such.

I am reading from the third line there.

A Yes.

Q He also said that in fact, while it was $3,300.00, he paid $1,200.00 for it, right?

A Yes.

Q And he said that was given to Weinberg

somewhere around March of '79, is that right?

A Yes.

Q By the way, with respect to the Betamax, he gave you the details as to the fact that it cost $900.00 case?

A Yes, sir.

Q And then wehn he came to talking about the colored television, he mentioned to you he had purchased three small colored televisions and delivered them to Weinberg?

A Yes.

Q And he named a man, George Norcross, who he purchased it in conjunction with, he said Norcorss knew somebody who had a discount connection?

A That's right.

Q He told you of the microwave oven?

A Yes.

Q He told you the store which he bought it from which was Straw Bridge , is that a store around Cherry Hill?

A Yes, sir.

Q And he also informed you when he delivered the television sets that Weinberg told him that he said not to let anyone see him put them in Weinberg's van, is

that right?

A That's right.

Q That they would be delivered according to this recital, around March or somewhere around there?

A Not necessarily, he was not too specific on when they were delivered.

The only thing he could tell us was that it was on an occasion when Weinberg was at the Hyatt House, but he couldn't come up with a date on that particular item.

Q Did you ask him if anybody accompanied him on these occasions?

A Yes, sir.

Q What did he say?

A The only one who ever accompanied him was Mr. Errichetti.

Q Did you ask him if he ever went to an airport with a young lady?

A I had no reason to. He never told me that.

Q Do you know whether or not Weinberg has a sister-in-law named Marie?

A I am aware that Weinberg has a relative, I am not sure whether it is a sister or sister-in-law. I am not sure of the name.

Q Are you aware he has a son?

A Yes.

Q Are you aware he has a dog, a poodle?

A I don't know that for a fact.

Q So, as far as you know, - - do you know that he has a relative named Marie, whatever her relationship is?

A I don't know the name.

Q But thre is a woman relative in his company from time to time, to your knowledge, is that right?

A No.

Q So you don't know about that.

I'm trying to plumb your uncertainty - -

A I told you what I know about the relative in in that I know it is a female, I know it is a sister or a sister-in-law, but I have no knowledge she ever accompanied him anywhere.

Q You know there is such a person regardless of name, sister or sister-in-law?

A Yes.

Q Have you questioned Mel Weinberg about these gifts?

A No.

Q So he hasn't told you anything with respect

to whether or not he received them, is that right?

A That's correct.

Q And you haven't investigated whether or not these colored televisions were purchased in Cherry Hill?

A Yes, I did.

Q Did you find out?

A They had no record of it at the store.

Q Did they say it was not purchased there?

A No, they did not.

Q What did they tell you about this kind of purchase?

About discount purchases which they don't recall.

A I went there to determine if a stereo outfit had been purchased there and television sets, they were supposed to be purchased. At least this is the story he furnished the name to me. I believe it was Hi-Fi House in Cherry Hill. They had no record of it. They said there may have been a record at their home base somewhere in Pennsylvania, but they couldn't be sure of that.

I then tried to determine who the salesman was and he no longer worked there. I contacted him and he vaguely remembered someone coming in, purchasing a stereo

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outfit.

Q Did he remember Georgie Norcross?

A Vaguely.

Q Did you talk to George Norcross?

A Yes.

Q What did he say.

A He said that he had purchased some items there, had a contact ther and was approached by DiLorenzo who was a friend and he referred him to this store and they both went there and purchased the stereo.

Q So Norcorss confirmed it?

A He confirmed that DiLorenzo went there and purchased stereo equipment, but he didn't know who it was for.

I asked him whether or not DiLorenzo stated it was for Mr. Errichetti, whether it was for Mr. Weinberg or who it was for, and he did not know who the item was for.

Q He didn't tell him anything about that?

A I don't know anything about that. He hadn't received any information about that.

Q The fact is, the items were purchased under the circumstances where there was a salesman, a discount and so forth?

A That's right.

Q So you did confirm that George Norcross had this contact, took Joe there and they purchased such equipment?

A That's correct.

Q With respect to the microwave oven, did you go to Straw Bridge?

A Yes.

Q What did you find there?

A I found that a microwave oven was ordered through Danianise, who is the secretary of Mr. Errichetti and a microwave was ordered over the phone through one salesman and subsequently, within a day or two, it was picked up by someone, the salesman who I spoke to could not recall who picked it up.

It certainly was ordered by the Mayor's secretary, and picked up by someone.

Q So that you agree it was confirmed?

A That's right.

Q Did you go to Best Products about the Betamax?

A Yes.

Q What was your investigation there?

A Best products acknowledged this receipt was

for their store and it was for another video recorder. It was not a Betamax. I believe it was an RCA. I did a report on this and I am not -- without looking at that p - - I can't be specific. It was not a Betamax.

Q Is that the same kind of a video cassette recorder?

A Yes.

Q That is what he told you?

A Yes.

They had - - the only thing that they had was this receipt they presented to them, they kept no records, they had no record of the sale other than this, the only thing he could tell me was that this was a cassette recorder and that it was purchased on that date for that price at his store.

Q It was At Best Company, is that right?

A That's right.

Q Were they able to identify any?

A No.

Q To this degree, you were able to check out the video recorders as stated to you in the reports that you have set down to the extent that there was such a sale?

MR. PUCCIO: I object.

THE COURT: Sustained.

(Continued on following page)

MR. BROWN: I beg your pardon?

THE COURT: Sustained. Argumentative.

BY MR. BROWN:

Q Well, did you confirm the purchase of a video cassette recorder at Best Products on the date given there?

MR. PUCCIO: Objection.

THE COURT: That has been asked and answered.

Q Well, did you examine and confirm the stereo purchase for $1,200?

MR. PUCCIO: Same objection. Asked and answered.

THE COURT: Mr. Brown, your summation will come tomorrow if we ever get there. Save it for later, please.

MR. BROWN: Well, your Honor, I'm not trying to sum up anything, your Honor.

THE COURT: You are going back over everything that you have been doing for the last ten minutes.

MR. BROWN: Well, your Honor, it is agreed that there are certain items, and I would prefer to discuss them at the sidebar.

THE COURT: Next question.

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MR. BROWN: I said if you will allow me a sidebar perhaps I can explain it and then of course if not I will not ask the questions. I wanted to tell you what they are.

THE COURT: The questions that you have asked the last two and possibly the last three have been sustained as to objections. They are repetitive. They are argumentative. They belong in summation. They do not belong as questions to a witness on the witness stand.

Next question, please.

Q Have you had an opportunity to speak to a young woman who testified yesterday, Debra Procacci?

A What is the name, sir?

Q Debra Procacci.

A No, sir.

Q You had not heard the name before?

A No, sir.

Q Have you questioned Mr. Di Lorenzo other than on this occasion that noted of June 10th?

A No, that was the only time that I interviewed him.

Q That was the only time.

After you had investigated at the store

you did not go to him again?

A No, sir.

MR. BROWN: All right. No further questions.

CROSS EXAMINATION

BY MR. DUFFY:

Q You know how you go to buy Kleenex but you might get Scott tissues.

MR. PUCCIO: I object to this question.

THE COURT: Sustained.

Q Aren't you aware of people talking about these video recorders and using a brand name to describe all of them, they say I have a Betamax.

MR. PUCCIO: I object.

THE COURT; Sustained.

Q How long have you been an F.B.I. agent?

A Eleven years.

MR. PUCCIO: I object. It has been already asked and answered.

Q In your business do you interview people accused of crime, witnesses, frequently?

A Yes.

Q Have you come across young fellows that you are interviewing who are reluctant to involve a pretty girl in anything?

Houlihan - cross - Duffy

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. DUFFY: That is all.

THE COURT: Mr. Ben-Veniste?

MR. BEN-VENISTE: May I ask the questions from here, your Honor (indicating counsel table.)

THE COURT: Yes.

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Sir, you said at the time -- when was that interview of Joe Di Lorenzo?

A That was on June 10th of 1980.

Q You said at that time you were not aware of any gifts to Mr. Weinberg? Is that so, sir? Wasn't that your testimony?

A I wasn't aware of -- yes, that's correct.

Q And you had, I take it, some connection with this ABSCAM investigation?

A Yes, sir.

Q So the first you heard of Mr. Weinberg getting any gifts was in June when Mr. Di Lorenzo told you?

A Yes, sir.

Q You did not in the files of the F.B.I. or

in your discussions with other agents learn anything about some wrist watches?

A I did. But I am not sure when that was.

Q Your best recollection is it was subsequent to Mr. Di Lorenzo's appearance?

A Excuse me, sir?

Q Your best recollection is that you learned it some time after Mr. Di Lorenzo told you about these other things?

A No, I may have learned before. I am not sure when. And I am not sure how it came to my attention. But I recall that I did come to know that some wrist watches were given to him.

Q But you don't know when you learned that?

A No.

Q It could have been before or it could have been after?

A I think it probably was before.

Q You say that you never questioned Mr. Weinberg about the gifts that Mr. Di Lorenzo mentioned in June? Is that right?

A That's right.

Q Do you know of anybody asking Mr. Weinberg about it?

MR. PUCCIO: Objection, your Honor.

THE COURT: Sustained.

Q Well, are you familiar with any report wherein it is indicated that someone from the F.B.I. asked Mr. Weinberg whether he received any such gifts?

MR. PUCCIO: Objection.

THE COURT: Sustained.

Q Are you familiar with any request that was circulated in the F.B.I.?

THE COURT: It is irrelevant, Mr. Ben-Veniste.

MR. BEN-VENISTE: I hope this one is relevant, your Honor.

THE COURT: His familiarity with something?

MR. BEN-VENISTE: Well, I want to find, your Honor, whether the F.B.I. asked their own agents whether they saw Mr. Weinberg in possession of any of these items after they had received this information.

THE COURT: It is irrelevant.

MR. BEN-VENISTE: Why would it be irrelevant?

THE COURT: And hearsay.

MR. BEN-VENISTE: Well, if there is such a report, your Honor, to whether Mr. Weinberg

was questioned, I would like to see it. I would like to have it produced if there is any report.

THE COURT: Next question, please.

MR. BEN-VENISTE: May I come to the sidebar, your Honor?

THE COURT: When you have finished your questioning, yes.

BY MR. BEN-VENISTE:

Q My last question would be whether you personally were asked whether you saw any of these items in Mr. Weinberg's possession?

A Asked by who?

Q By anyone in the F.B.I.?

A May I have that question again?

THE COURT: Do you understand the question?

THE WITNESS: I don't fully understand it.

Q Did John Good or anybody else connected with the running of this investigation ask you or any of the other agents who were familiar with Mr. Weinberg whether they had seen any of these items in Mr. Weinberg's possession?

MR. PUCCIO: Objection.

THE COURT: Sustained.

* * *

* * *

THE COURT: Mr. Brown, have you some questions?

MR. BROWN: May I ask him from here, your Honor?

(Indicating defense counsel table.)

THE COURT: Yes.

BY MR BROWN:

Q Agent Houlihan, did you inform the Eastern District, Mr. Puccio, of your interview with Mr. Di Lorenzo in which he voluntarily told you about these gifts?

A I sent a communication to the Bureau, to the F.B.I., with a copy of it to the Brooklyn Heights and Queens Strike Force and requested that an investigation be conducted.

Q That would be Mr. Puccio's division?

A Right. And Mr. Puccio, I am sure was made aware of it by --

Q That was immediately after?

A Yes.

Q You completed your report on the 12th, according to your papers? I mean you dictated it? Is that right?

A That is right. I dictated it on the 12th --

Q So it would have been shortly after that that you would have communicated to the Eastern District?

A Probably before that.

Q Even before.

Now, you have given a detailed account, and we thank you for it, of your investigation. Have you a written report, a 302 of that investigation of the gifts which you conducted after the interview?

THE COURT: I am sorry but I didn't hear the question.

MR. BROWN: I asked him whether he had a 302 written report of the investigation subsequent to his interview with Mr. Di Lorenzo which would recite at least in part about his going to the Best Company Store. I am asking if he has a written report, a 302 report.

MR. PUCCIO: Objection.

THE COURT: Overruled.

MR. BROWN: I am allowed to ask you that.

THE WITNESS: Yes.

Q You do have it?

A Yes.

Q May I have it?

A I don't have it here.

Q Well, you would have your notes on that delivered by the morning? --

MR. BROWN: Is that all right with you, your Honor? I am sorry I misspoke.

MR. PUCCIO: I don't have any objection to it. It doesn't pertain to what this witness was questioned about.

MR. BROWN: Well, it would be his investigation is what I asked.

MR. PUCCIO: It is all hearsay.

THE COURT: But you didn't object to it.

MR. PUCCIO: Well, I thought I would save time.

THE COURT: It would have saved a half an hour if you had.

MR. BROWN: I did not mean to ask directly, your Honor. I apologize.

THE COURT: That's all right. Since you didn't object to the questions; he does have the report. Produce it in the morning.

MR. BROWN: I have no further questions of Agent Houlihan.

THE COURT: Any other questions?

MR. BEN-VENISTE: No.

THE COURT: All right, you may step down, Mr. Houlihan.

THE COURT: That is it for the Government?

MR. PUCCIO: Yes.

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WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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EXHIBITS

GOVERNMENT'S:	Description	FOR ID.	IN EV.
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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

-against-

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHNSON, HOWARD L. CRIDEN,

Defendants.

----------x

80 CR 00249

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 28, 1980
9:00 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICOZZI
OFFICIAL COURT REPORTER

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* * *

* * *

MR. LEVY: At this time we would like to move into evidence --

* * *

MR. LEVY: The following exhibits, Defendants' Exhibit A of transcript 3500-105(a); Defendants' Exhibit C, Mr. Weinberg's Pittsburgh indictment; Defense Exhibit D, the transcript of the Pittsburgh

sentencing; E, originally prepared schedule of payments to Mr. Weinberg; F, a corrected schedule of the payments to Mr. Weinberg; G, a financial plan --

MR. PUCCIO: It's not a corrected version as I understood it. It was the version including the other payments.

MR. LEVY: A financial plan concerning the Atlantic City Casino; H, a feasibility study with respect to the Atlantic City Casino; M, Mr. Weinberg's rap sheet.

MR. PUCCIO: I don't stipulate into admitting a rap sheet into evidence.

THE COURT: I assume you have no objection up to that point?

MR. PUCCIO: Yes.

THE COURT: Then A, C, D, E, F, G, and H are received in evidence. The rap sheet, M, you object to?

MR. PUCCIO: Yes.

THE COURT: We will discuss it in a minute. Go on.

MR. LEVY: EE, the recorder probably used by Mr. Weinberg; FF, the original tape of January 18th; and GG, the original tape of January 18th with no

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specified time.

THE COURT: Any objection to EE, FF, GG?

MR. BEN-VENISTE: With respect to the latter two tapes, we are not offering any portion of those tapes beyond the portions played to the jury. The reason for offering them for identification relates only to the testing of the tapes.

MR. PUCCIO: We object unless the whole thing goes in, of course.

THE COURT: I can't hear you.

MR. PUCCIO: We object, your Honor, unless the whole thing is offered.

MR. BEN-VENISTE: Then under the circumstances we will have them marked for identification.

THE COURT: All right.

How about EE, the recorder? It is offered in evidence.

MR. PUCCIO: The recorder itself we have no objection to.

THE COURT: Received in evidence.

So we then have in evidence as Defendants' Exhibits A through I, inclusive. We have yet to discuss M.

We also have another one here, S, T, U, V, W,

Y, Z, and EE.

MR. LEVY: I thought X is also in evidence. If not, we will move it in.

THE COURT: Any objection to X? That's the Probation Department letter.

MR. PUCCIO: No objection. I thought that was received.

THE COURT: Perhaps it was, but it is now.

Now, with respect to M, what is the objection to M?

MR. PUCCIO: Is M the identification record, sir?

THE COURT: The FBI rap sheet.

MR. PUCCIO: It contains arrests which are inadmissible to impeachment.

THE COURT: This pertains to Mr. Weinberg?

MR. PUCCIO: Yes.

If I knew the purpose for which it is offered, I might withdraw my objection. I don't understand it.

THE COURT: What is the purpose of the offer?

MR. BEN-VENISTE: It shows the jeopardy of Weinberg at the time that he made his deal with the FBI. It goes to his motive and state of mind in working for them.

THE COURT: Is that all it shows?

MR. BEN-VENISTE: It confirms the information to which he testified.

THE COURT: It is nothing but corroborative to what he has testified to and what a lot of other witnesses have testified to.

MR. BEN-VENISTE: Basically, yes.

THE COURT: I will sustain the objection.

So much for the exhibits.

MR. PUCCIO: Judge, on the question of the Pittsburgh indictment, I know I agreed to have it received, but may I inquire what the use of the indictment will be?

THE COURT: I suppose any proper use you can make of something that is in evidence.

MR. PUCCIO: We have a stipulation that we arrived at.

(Continued on next page.)

MR. FURST: Yes, sir.

We will stipulate that B-19, which is marked as Exhibit BB to defense Exhibit U should be removed from the list. And that's on Page 4, your Honor, the call of August 20th, 2:32 P.M., for two minutes.

THE COURT: How is it going to be removed?

MR. FURST: We will cross it off on the Exhibit.

MR. PUCCIO: Why don't we just say we have stipulated --

MR. FURST: In front of the jury I will agree to stipulate that one phone call, B-19, has been deleted by stipulation.

MR. PUCCIO: If Mr. Furst announces that stipulation when the jury comes in, that will satisfy me, Judge.

THE COURT: All right.

Is there going to be any other testimony this morning?

MR. PUCCIO: Not from us, your Honor.

MR. BROWN: No, your Honor, I have had access to the FBI's notes with respect to the testimony yesterday, and I am satisfied that they

are accurate.

THE COURT: Then all parties rest?

MR. PUCCIO: Yes.

MR. BROWN: Yes.

THE COURT: Did you have something further?

MR. BROWN: Just, your Honor, I will ask your permission to read Page 3.120, which was discussed with respect to Mr. Weinberg and the gifts.

THE COURT: 3.120?

MR. BROWN: 3.120 of the Philadelphia testimony.

THE COURT: Yes, I'm sorry. I'm premature on all parties resting.

There is testimony going to be read and the the stipulation will be read to the jury?

MR. BROWN: That's all.

THE COURT: All right.

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* * *

THE COURT: Good morning, ladies and gentlemen.

Before the evidence is officially closed I should tell you that I have admitted into evidence a number of the defendant's Exhibits which were referred to through the course of the testimony, but which were not formally offered into evidence until this morning. I don't think there is any need for enumerate them to you. The exhibits will be made available to you during your deliberations.

Secondly, before we begin the summations, I think it is Mr. Furst or Mr. Brown who want to read to you a brief except from some testimony that was takne before another Federal Judge in Philadelphia on another matter, and it's testimony I believe by Mr. Weinberg.

MR. BROWN: Yes, sir.

THE COURT: Which you may accept if it were testimony given by him here on this trial.

Then there is also a stipulation about a particular exhibit that will be called to your attention.

Yes, Mr. Brown.

MR. BROWN: May I, your Honor.

THE COURT: Yes.

MR. BROWN: This is an excerpt of the testimony of Mr. Weinberg given in Philadelphia and incorporated into his testimony.

"Question: Did you personally receive any gifts?

"Answer: No.

"Question: None whatsoever?

"Answer: Except the wallet.

"Question: Just the wallet?

"Answer: Yes.

"Question: Did it have money in it?

"Answer: No.

"Question: Did you receive a watch from anybody?

"Answer: Yes, we received three watches.

"Question: When you say we --

"Answer: Well, I received three watches which I turned over the day I received them to the FBI.

"Question: Who at the FBI?

"Answer: John Good."

The end of the exerpt. Thank you.

Thank you, your Honor.

THE COURT: Now the stipulation.

MR. FURST: Your Honor, we would stipulate that on Defense Exhibit U, Exhibit B-20, a phone call on August 20th, should be deleted and it is so removed on the Exhibit.

THE COURT: What that means ladies and gentlemen, is that Exhibit U is the analysis of all the phone calls, and so forth,that one of the witnesses discussed with you. And on one of those you will find that there has been a call that has been crossed out. That has been done pursuant to this stipulation. Apparently it just doesn't belong there or it's an error or in some way it does not relate to this case. I don't know of the reason, but counsel are satisfied and that is good enough for me, it should be good enough for you. It's not on the telephone call list that you should be concerned with, nor should you wonder why it is crossed out. It shoulnd't concern you.

With that, all parties rest.

* * *

* * *

(Mr. Puccio makes a closing summation to the jury as follows:

MR. PUCCIO: Your Honor, Judge Pratt, defense counsel, ladies and gentlemen:

First of all, I would like to thank you for your attention and patience during the last almost three weeks of this trial.

As Judge Pratt has indicated to you, it is now the time of the case when the attorneys get up and discuss the case with you and make arguments based on the evidence.

I would like to reiterate one thing that Judge Pratt said, which is very important, especially

in a case of this kind where there is quite a bit of physical evidence, tapes and sound recordings which you can hear.

I have a recollection of some of the evidence. I will try to refer to some of it. I will even have some of it played to you. But if in any way my recollection differs from yours, you follow your recollection and not mine.

In addition, you have available to you the opportunity to have any exhibit or any tape or any recording of any kind played back to you to check a point, to recall in your mind what was said and what happened.

Of course, that goes for the testimony of the witnesses who appeared on the witness stand. That all can be read back to you if necessary.

And also, as I said, during the course of my summation, let us call it, I will make arguments to you based on the evidence. I will ask you to draw certain inferences about this case.

Now, if I make any argument that doesn't make any sense to you, that you don't agree with it, just reject that argument.

One of the things that I think should be said at the outset or one question that I think should be answered is who are the four defendants in this case that sit before you? And I would like to go over that for a moment.

First of all, Michael Myers is a United States Congressman, a representative of the United States, of his District in the House of Representatives, as you have heard from South Philadelphia, Pennyslvania.

Louis Johanson, a City Councilman who sits in the City Council of the City of Philadelphia.

Angelo Errichetti, a Mayor of the City of Camden, a State Senator.

All three of these gentlemen are public officials, people who hold positions of trust, of power, of respect, of influence.

Howard Criden, a lawyer, a member of the bar of the State of Pennsylvania. As you have heard on the tapes, a former prosecutor. Again a person of trust and respect, of influence.

Now, one of the questions, and there are certain themes or certain issues or idea that run through the case. I think one of the most

significant issues that you should consider, and I want to mention it at this point because it will recur throughout my discussion of the evidence. I think it's one of the central things that has to be focused on, and it is simply this: What is real and what is not? What is true and what is false? What is acting? What is play acting as you have heard from the testimony of a witness in this case, Congressman Myers? And what is reality.

Was the act that was played on the video tapes or was that reality? Or was in fact the act that was played, that you heard from the witness stand as Congressman Myers testified in this Courtroom.

Did the act occur when no one knew that the cameras were recording every picture and the microphones were taking down every word? Is that when the act occurred or did the act occur when Congressman Myers took the witness stand fully prepared with the benefit of listening to all the recordings and looking at all the tapes?

When did this all begin?

Ladies and gentlemen,you heard testimony from Ellis Cook, a junior partner in Mr. Criden's

law firm, a person who considers his relationship with Mr. Criden that more of a father and son than senior partner and junior partner. Mr. Cook told you that in the spring of 1979, the Criden, Johanson law firm had received a proposal from a Mr. Neifeld to see if they could finance or sell a piece of property in Atlantic City. And you heard Mr. Cook tell you that in connection with that proposal the law firm undertook to see if they could make a substantial fee.

You might further recall,ladies and gentlemen, that during early July of 1979 Councilman Johanson spoke to a friend of his at his country club in Longport, a Mr. James Meiler, if you recall, and Meiler indicated that he had a friend who had a friend who might be interested in this property in Atlantic City.

And as the facts occurred,we find out that the friend who had a friend was Mr. Errichetti, the Mayor of Camden. And the friend that he had was unfortunately for him Mel Weinberg and Anthony Amoroso.

And you might recall from Cook's testimony there was ultimately a meeting, Mr. Meiler, Mr.

Errichetti, Mr. Johanson, Mr. Criden, they met a Longport, New Jersey, to discuss the possible financing from the fictitious Arabs.

And as you might further recall, as a result of this meeting in Longport, New Jersey,there was a scheduled appointment with Weinberg and Amoroso on a yacht in Fort Lauderdale, Florida on July 26, 1979.

Now, a lot has been said about this meeting on he boat. I think you must have heard several hours of testimony about where everybody was when they said this and where everybody was when they said that and whether it was below decks or above decks. But the fact remains that there was a meeting. There was a discussion about this casino proposal, this piece of property of Mr. Neifeld's. And in addition, as Agent Amoroso testified, there was a brief discussion about a potential problem that lurked in the minds of his employers, the Arab Sheiks. And that was simply this: If perchance, and as Agent Amoroso testified, this just came out, it was something that was thrown out to Mr. Errichetti whom he had known for several months and whom he had prior dealings with which are not

relevant here, but it was something he threw out to Mr. Errichetti and said very simply, they are concerned that they might be in the same problem as Mr. Somoza, former President Somoza, they might have the same kind of difficulty. Is there anything you can do? Can you provide us with any help? Do you know any politicians?

Mr. Errichetti readily accepted that proposal and said, I think I can help you, or words to that effect. There was discussion then as to how much it would cost.

Mr. Cook tells you that when Mr. Criden and Mr. Johanson returned to Philadelphia, they discussed with him the details of their trip to Fort Lauderdale. And Mr. Criden said, well, on the way back I was sitting next to Mayor Errichetti in the plane and he told me that if we could provide politicians, if we could provide people there might be some money in it for us.

And Mr. Cook told you that Mr. Johanson was dispatched to contact his friend, Mr.Myers, and see if Mr. Myers was interested in meeting with the Sheik or his representatives in order to solve this immigration problem.

Now, ladies and gentlemen, I would like to play to you at this time some of the early telephone conversations which pick up this story and show you how it developed.

Would you play the first one, please, and that is Exhibit 9-A -- I'm sorry Exhibit 20-A -- I'm sorry again, Exhibit 19-A, July 29th.

JUROR NO. 10: I don't have 19-A.

JUROR NO. 3: I don't have it either.

(Whereupon, the completed notebooks are distributed to the jury.)

MR. PUCCIO: All right, your Honor, we are ready to proceed.

(Whereupon, the tape recording referred to was played.)

MR. PUCCIO: The next one now is July 30, 1979. Play the next one, please.

(Whereupon, the tape recording referred to was played for the jury.)

MR. PUCCIO: Now, the next day, July 31st.

(Whereupon, the tape recording referred to was played for the jury.)

MR. PUCCIO: Mr. Weinberg says, good. What price are we using?

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Mayor Errichetti says, one.

Mr. Weinberg told you that meant $100,000.

Weinberg says, one. Do you think we should cut it down to 50?

Errichetti says no.

And then we will play the next one later on the same day, the 31st.

(Whereupon, tape recording referred to is played for the jury.)

(Continued on next page.)

MR. PUCCIO: Now, ladies and gentlement, you heard four conversations between Mel Weinberg and Mr. Errichetti, the Mayor from Camden, New Jersey.

I ask you, as you think about the conversations, as you heard what was said, more than a year ago and what was captured on tape,are those conversations consistent or inconsistent with the other evidence in the case?

Are they consistent or inconsistent with the video tapes that later I will talk about and that you've seen during the course of this trial?

Are those conversations consistent or inconsistent with Mr Cook's testimony?

You recall Mr. Cook, he testified, as I just pointed out or reminded you, that he had this meeting with Mr. Criden and Mr. Johanson and a decision was made to reach out and speak to Congressman Myers and get him to come to the meeting with the Sheik or his representative.

And that money was involved. A hundred thousand dollars was involved. And that money was to be split among the people involved in this venture.

Were these conversations between Mr. Errichetti and Mr. Weinberg play acting?

You know that Weinberg was an agent for the United States Government, a paid informant, part of an undercover operation.

Was Mr. Errichetti play acting? Was this for real? These conversations really depict the necessary preparation leading up to the pay-off meeting on August 22, 1979 in New York City.

Mr. Cook was on the witness stand for several hours. An insider, someone that Mr. Criden treated as a son. A son who with knowledge of the intimate details, a co-conspirator, a co-partner in this enterprise to pay Mr. Myers.

Did Mr. Cook at anytime during his testimony before you say that he had ever heard from anyone that this was play acting? That this was not real.

Now, as you might recall from Agent Amoroso's testimony, there was a meeting on August 5, 1979, among Mayor Errichetti, Agent Amoroso, and Mr. Weinberg at Kennedy Airport. I believe that was the first Exhibit that was played, Exhibit 1. I would like to play it for you now.

(Tape played.)

MR. PUCCIO: I think I said at the beginning of this case there is one thing that won't change. The recollection of witnesses may change, many things may change, but the words that were spoken that were taken down by a recorder in 1979, 1980, on the video tapes, are going to be the same today as they were back at the time they were said.

On the next day, you heard from Agent Amoroso that there was a meeting in Cherry Hill, New Jersey at which there was further conversation about the proposed meeting with Congressman Myers. And you further heard from Agent Amoroso there were additional meetings on August 7th and 8th where the proposal was discussed in detail.

May I play August 7th, this is Exhibit 3-A.

(Tape played.)

MR. PUCCIO: Mr. Weinberg in talking about the Sheik, "He's a shrewdy. In his own way. He sat on the yacht there that day and he didn't speak to no one. The Interpreter spoke, you know. But he understood every fucking word they said. You hit it right on the head."

And Errichetti says: "Sure did."

Play the next one, August 8th.

(Tape played.)

MR. PUCCIO: Now, you've heard seven different conversations in the last few minutes involving Mayor Errichetti, Mr. Criden, Mr. Amoroso, Mr. Weinberg. What were the conversations all about? What were they directed towards? They were directed, I submit to you, towards the ultimate meeting on August 22nd, which Congressman Myers would come in and take the money which would be split with everyone else.

Now, some statements were made to you in openings by counsel for the defense. There has been cross examination during the trial designed to convince you that an act was being played.

Now, it's clear tha Amoroso and Weinberg were in fact acting. They were acting in the context of an FBI undercover investigation which Judge Pratt will charge you is a perfectly proper method of law enforcement.

Was Mr. Errichetti acting? Was Mr. Criden acting? Does the Mayor of a major City of New Jersey, and a State Senator spend their time lulling away the hours having conversations with people

that are meaningless?

Does a lawyer from Philadelphia travel to New York and sit around and talk about things that make absolutely no sense?

Does that makes sense to you?

Or were Mr. Errichetti and Mr. Criden directed towards the very profitable objective that was more than worth the time they had to spend speaking to the Sheik's representative?

I submit to you they had many reason, many, many reasons to sit around and converse with Mel Weinberg and Tony Amoroso. They had at least fifty thousands reasons as you will see in the tape of August 22nd.

But let's move on. While all this is going on,what is Mr. Cook telling us about the happenings in the law firm in Philadelphia?

What are the discussions? Essentially, are there any discussions about play acting? Things like the Congressman is going to tell the Sheik he can come to this country if he has to leave his native land and the Sheik is going to pay a hundred thousand dollars at that point. And what would happen as a result of the payment of this

hundred thousand dollars as Mr. Cook put it, the Congressman would owe the Sheik a favor. As he put it another time on the witness stand, the Sheik would have the Congressman beholding to him.

MR. BEN-VENISTE: Objection, your Honor. That was striken I thought as a characterization by the witness.

MR. PUCCIO: Your Honor, the record will speak for itself.

THE COURT: If your recollection is not that precise, we do have a record on it and it can be determined. If you bring it to my attention, I will so instruct the jury.

MR. PUCCIO: Now, what is this all about? August 22, 1979, what happens on that day? Does the story of what happened on that day appear in the video screen? Does it appear in the testimony of Agent Amoroso? Or does the story of August 22, 1979 appear in the testimony, the true testimony, through the testimony of the United States Congressman?

Before we get to that meeting at the Travel Lodge Hotel,what is happening? Well, early that

day as you heard from the testimony of Mr. Cook and Mr. Criden's son and through other evidence, three different automobiles are converging from various different locations throughout the Northeast in the United States on Kennedy Airport for one reason, one reason spelled, m-o-n-e-y.

What Congressman Myers, during his summer vacation in Longport, New Jersey, is getting in an automobile early in the morning with Mr. Johanson the City Councilman and driving all the way to Kennedy Airport for.

What is Mr. Criden doing? He's having his son take him from his law office in Philadelphia to the Pan Am Terminal at the same airport.

Mr. Cook told us about this. Other witnesses told us about this. And where is Mr. Errichetti? Mr.Errichetti is taking some time off from his official duties as Mayor and State Senator from New Jersey, Mayor of the City of Camden, and has his nephew, the Administrator of the Department of Energy and chauffeur, et cetera, driving him from Camden, New Jersey to Kennedy Airport.

Now, what happens at Kennedy Airport? Does everyone walk into a room like businessmen and

conduct a meeting? No. What happens at Kennedy Airport is there are several different meetings. A meeting over at the Pan Am Terminal with Mr. Criden and Mr. Johanson, as Mr. Criden's son so testified, and Congressman Myers and Mr. DiLorenzo and Mr. Errichetti, and then there is a transfer from that scene to the Travel Lodge Motel. And you saw in the video tape what happened up in the room at the Travel Lodge Motel.

I submit to you that what happened in the room at the Travel Lodge Motel is very, very explicit. The Congressman walks in. He sits down and goes right into the business at hand. Well,first of all, a private immigration bill can be introduced. No question about that. It's right in the video tape.

A discussion during which he promises to intervene with the State Department and perform any other act that the Sheik wants to perform.

Now, let me stop for a moment. You heard all the Government's case, all the tapes were presented, video tapes, audio tapes of conversations. No question that the Congressman was there, said those things and the money was passed.

Then we get to the defense case and we hear from the Congressman. Now, after all this evidence is presented, after all of this electronic display, as Mr. Brown called it, after you see with your own eyes what happened August 22, 1979, what is Congressman Myers going to do when he testifys? What choice does he have?

I submit to you that as soon as it became apparent that video tape recording, audio tape recordings had captured what happened here, Congressman Myers became a man in need of a story. It's almost hard to be critical of that.

What do you do if you're caught redhanded on video tape? What do you do? Congressman was a man in need of a story. And what a story he told.

You heard him testify here for the better part of four days. Is that testimony worthy of any belief? Oh, that was proper, Mr. Cacheris, I'm sorry, it was improper, Mr. Cacheris -- got me confused. I believe it was improper. No, Mr. Puccio, that was proper. Which was it? Was it improper or proper?

It's a pretty big pill to swallow. This is

a United States Congressman in a hotel room in JFK Airport who takes $50,000 in a paper bag. It's a pretty big pill to swallow.

The moon is not made of green cheese.

May we play that video?

(Video tape played at this time.)

MR. PUCCIO: 5-A. Exhibit 5-A.

(Tape played.)

(Continued on next page.)

(After the recording the following occurred.)

MR. PUCCIO: If I may for one second interrupt the tape.

As I said before, this is extremely explicit as I said to you before, ladies and gentlemen.

There is no question what happened here. Absolutely caught cold. Money talks. Bull-shit walks. Is that an act? Was the congressman acting when he said that?

You saw it with your own eyes. You saw it with the video caption. Did he feel uncomfortable saying that? Or did he feel as comfortable as he felt sitting there next to the mayor of Camden, New Jersey.

Ladies and gentlemen, one of the main issues in this case is: Is that an act on the screen or did Congressman Myers put on the act up there?

I submit to you, ladies and gentlemen, the act by Congressman Myers, the command performance was right there.

Patronage doesn't exist in politics any more in the United States. Do you believe that? Do you believe some of the other things Congress-

man Myers said to you?

Now, let's analyze this a little bit. As I said to you before it's a pretty tough thing to swallow. We have to take leave of our senses if we were to swallow that this were an act.

I certainly wouldn't criticize Congressman Myers for his industry and ingenuity. He was a man in need for a story. Of course, once you start to tell this story, you take one step and you take another step and you take another step and after awhile it gets so preposterous it gets totally unbelievable as it did when he told it to you on the witness stand.

Now, what do you do when you need a story? And you have access to all these materials. It's not like you are coming in here cold.

Congressman Myers didn't walk into this room and get up on that --

MR. BROWN: I object, if your Honor please. I object. This is a reference to an inference that is totally unwarranted as to what anybody did with these materials given to us on discovery.

THE COURT: Overruled.

MR. PUCCIO: Now, Congressman Myers didn't know as we all remember, he didn't know about this. But of course he knew who was going to hear what he said, namely, you, ladies and gentlemen, when he got up on the witness stand. And there was an awful lot riding on his testimony in this trial. It is only $50,000. It's a lot to most of us, I guess to all of us, perhaps, at that meeting, but there is a lot more riding on it when you are up there on this witness stand.

Now, you have access to all these materials. As you have heard, the government had conducted a lengthy investigation for a couple of yeasr involving all sorts of people not relevant here and which you are not to consider as Judge Pratt will charge you.

So what do you do? You start to take apart tapes. Obviously anyone could have offered the whole take in evidence, it was marked or not marked or whatever. But you start to pull apart these little excerpts. Weinberg says here, come on strong. And Mayor Errichetti says script.

Let me see if I can start to put these together.

A conversation with a public official, senator Williams, who was not here, not here before you. It is taken out of context. It is part of another partner having nothing to do about what you have to consider, about which you heard nothing, and let's take this one conversation where Weinberg says you are on tape, and twist that into this acting, ladies and gentlemen, oh, I was just play acting.

Of course there is another problem, even if you accept that, which is pretty hard to swallow. Congressman Myers never with with Weinberg. He has to think about that one a little bit. He never met with Weinberg. That can be established. The only time was in this room and it was on tape. So if Weinberg is the master acting coach, it is not going to do Myers a darn bit of good. He never met with Myers. So what does he do?

Oh, I have an idea. Errichetti was at this meeting with this senator who has nothing to do with this case, so he had to know about

it, and we will play the tape, show he knew it, about it, and then I have an acting coach. Errichetti is my acting coach.

So you have the manufacture of these two brief meetings, on August 22, 1979, one at the Pan Am Terminal as the Congressman testified, "As I got there Errichetti says, 'Well, are you all set to get into your act.'All right."

You have that meeting manufactured and you have the other meeting where the sheik is not going to be there, but the whole thing is going to be the same, manufactured at the Travelodge.

Now, who has told us other than Congressman Myers that these two meetings took place with Errichetti? No one.

Come on strong, come on strong.

Now, if we analyze that for a minute, what does that mean?

Mr. Weinberg, as you heard from him and from agents of the FBI his having conversations in which he is trying to set up meetings. And these meetings presumably will be recorded. And these meetings are ones in which the FBI

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will make a determination as to whether or not money is to be paid to a public official.

Does the FBI, when a public official -- want a public official to walk into that room who has been brought there by a middleman, who knows absolutely nothing about what is going on and from whose lips one cannot determine that he knows anything -- isn't it fairer and doesn't it make more sense for the FBI to tell these people when they get to the meeting, to tell them, come on strong or to say, we want to know what they are about. We want to know if they are willing to take money. We want to know if they are corrupt. We want to know that they are going to do for the money. We want to know if they will take money.

As you will hear from Judge Pratt, the methods used in this case were perfectly proper. It is a legitimate method of investigation. And if the United States Government has to expend some oonies to determine --

MR. BROWN: I object, your Honor. This is something that your Honor has set for another time. I object to this.

THE COURT: I think it is inappropriate, at least in ths part of your summation, Mr. Puccio.

MR. PUCCIO: I will reserve it, your Honor.

MR. BROWN: I object to it as part of the summation due to your Honor's orders to us.

THE COURT: If my orders are obeyed it will be improper in his rebuttal summation.

MR. BROWN: Yes, thatnk you.

THE COURT: Before you proceed, Mr. Puccio, perhaps I should explain to the jury:

Your function in this case, ladies and gentlemen, is to determine what the facts are and whether those facts as you find them to be established beyond a reasonable doubt, the essential elements of, of particular crimes as I will explain them to you.

The government is not on trial in this case. The method of investigation is not before you. The propriety of what the government did is not before you. These are questions of law that I have to determine. Other courts may have to determine them. But they are not issues before you.

That is the reason I have instructed counsel that this question of the propriety of the government's conduct, this investigation method of having undercover operatives pretending to be something that they are not really, whether that is a proper way in proceeding with enforcement of laws in this country, these are questions of law for judges to determine.

What the jury has to determine in this case are the specific facts as to what happened here. You have to determine what happened and whether under the circumstances of what happened here does it meet the standards which we call the essential elements of the three crimes, of the crimes that are charged in the three counts of the indictment.

I wanted you to understand that.

Proceed, Mr. Puccio.

MR. PUCCIO: Thank you, Judge.

Now, whose idea was it to mention the introduction of a private immigration bill. I asked Congressman Myers:

"Question: Congressman Myers, is it true it sas your idea of bringing up the matter

to introduce a private immigration bill at the meeting with DeVito and Weinberg and Mayor Errichetti on August 22, 1979?

"Answer; No, it is not true. I started off with my explanation of how powerful I was. I just covered that area. But it wasn't my intent when I walked into the room to bring it up.

"Question: Let me ask you a question again: Wasit your idea, Congressman Myers, to bring up the introduction of a private immigration bill at the meeting of August 22nd?

"Answer; No, it was not my idea.

"Question: You said those words, did you not? You proposed to introduce a private immigration bill?

"Answer: I promised to introduce a private immigration bill after I was asked to introduce one.

"Question: Will you point that out to me in the exhibit, that is Exhibit 5A.

"Answer; I'll have to read it through to find it. But he brings it up first."

Meaning Amoroso.

"Question: Let me point out page 3 where you say a little down, absolutely where I could be of assistance in this type of matter, first of all is private bills that can be introduced.

"Answer; Page 3?

"Question: Yes. Do you see that?

"Answer; Yes, I say they can be introduced. I don't say that I am going to introduce one."

Ladies and gentlemen, I ask you to examine that video tape and examine in your own minds whether or not Congressman Myers says he is going to introduce a private immigration bill.

Congressman Myers told you during cross-examination that he went to this meeting and made false statements to obtain money, made false statements to obtain money.

Well, for one thing Weinberg pleaded guilty to several counts of doing that.

MR. BEN-VENISTE: I object, your Honor. This is most improper argument.

THE COURT: Overruled.

MR. PUCCIO: False statements to obtain money.

This is the United States Congressman getting into his car and traveling 90 or 100 miles, whatever it is, to a hotel room and making false statements to obtain money.

Is that proper?

Well, first Congressman Myers said it was improper and then he had said it sas proper.

Do you think it is proper?

Now, let me pose this:

Would a man, a representative of the United States, a United States representative from Philadelphia, would a man in that position, who would travel all that way, accepting his story, to make false statements to obtain money, something that I would submit to you if it were true lacked some candor and honesty, let's say, perhaps. Would a man like that hesitate for one second to lie on this witness stand to get off the hook?

By his own admission he lied and lied and lied and lied, he tells us. He said he lied here and we say he lied there. We submit that to you.

Would a man who would take these actions, can you believe him? Can you believe him when he tells you I was putting on an act?

United States Congress, ladies and gentlemen, does not act as equity, I would assume.

Why did he go there? Why did the sheik want him there? Why did he think the sheik wanted him there?

Now, we have not taken leave of our senses. United States Congressman Myers has not taken leave of his senses. Would he believe that some sheik or anyone else is going to dole out money to a United States Congressman for absolutely nothing?

Money talks. I submit to you that it was the money that was talking and it was the money that got them up there on August 22, 1979.

Where would we be, ladies and gentlemen, if we we didn't have these cameras ? Matters of witnesses' recollections, be they big or small, were examined and cross-examined properly, I would assume, for hours and hours and hours. Can you imagine if they didn't have these cameras?

The cameras, I submit to you, not only give you the words, they give you the sense, they give you the atmosphere. They give you the nuances. They tell you where the truth lies, ladies and gentlemen.

And if something else is proferred to you that is not on that camera, I submit to you that you have to scrutinize from where that comes and scrutinize it very carefully and see if it stands up the way this video tape stands up to scrutiny.

Now, you heard Mr. Cook testify that on August 22, 1979, he was eagerly awaiting back in his law office in Philadelphia the return of this band of public officials accompanied by his father figure, Howard Criden.

And what sas Mr. Cook waiting for?

With all due respect to Mr. Cook, who I submit to you tried to tell you the truth from this witness stand, with all due respect to Mr. Cook, he was waiting back at the office because he was getting a piece of the pie, to use one of Congressman Myers' phrases. He was waiting for

that money.

Congressman Myers returns. Mr. Johanson returns. Mr. Criden's son returns.

Mr. Criden's son is carrying the money. And there is a discussion.

(Continued on next page.)

Summation-Puccio

The last minute -- I won't play the tape for you but you can look at it -- the last minute the ground rules are changed. Weinberg said originally $100,000 and at the last minute it changed to 50. You heard some testimony on it.

In fact, in the second meeting on August 22nd, the meeting where Myers leaves and Errichetti meets with Amoroso and Weinberg, at that second meeting the Mayor says 35 seconds you gave me to change the figure. The figure is changed and changed quickly August 22nd, and drops from $100,000 to $50,000.

This caused a little bit of a problem. And let's see if we can see how this problem is resolved. Mr. Criden comes back and has a conversation with Cook and apprises Cook -- Mr. Criden says it was $50,000 and 15 already went to Mayor Errichetti. 35 left.

But if -- they talk about it a little bit, Myers is coming over here, I have to sit down with him. If we show him 35, he might take more than we want him to take. Let's take 10 out and put it aside and tell him we only got 25. That is what is done.

Ten thousand is taken out and it's down to $25,000.

Congressman Myers arrives. He is confronted with $25,000 and he was told 25 went to somebody and it was only 25 left. So he takes 15. And as you heard from the testimony of Mr. Cook, the 10 that was left after Myers took 15 and 10 taken out fron Myers, now how much was there? You add them together, and you get 20, and that is divided among Criden, Johanson, and Cook.

Now, are we dealing here with money that was received properly? First of all, Mr. Criden, Mr. Johanson and Mr. Cook don't exactly go down to Times Square, or whatever the equivalent is in Philadelphia, and announce to all the world that the Congressman picked up the package and we all split up. They don't do that, nor do they go to the bank and deposit it in the savings account to get interest. Right away a safe deposit box routine. Mr. Criden gets his son to open the box, presumably money goes in there; Johnanson has never been a signatory on the Bell savings box, all of a sudden Johanson is in need of a box. That makes sense. What is he going to do? So Mr. Johanson is added to the box.

And Mr. Cook testified he already had a box and he promptly used that one too.

You heard testimony from Mr. Criden's son that on that evening he wasn't in a meeting, either was Mr. Cook for that matter, with Congressman Myers, Mr. Johanson, Mr. Criden, behind closed doors in Mr. Criden's office. But he was in the car when Mr. Johanson, as you might recall, and Mr. Criden drove off, I believe if you recall from the testimony, Mr. Johanson had a speaking engagement that evening and Mr. Criden and his son were dropping him off.

As you might recall then, Mr. Johanson when arriving at his destination, said to Michael Criden, "This is sort of a rough neighborhood, I shouldn't be carrying all this money around, why don't you hold it for me, you work in the office this summer, bring it in the next day."

I wonder about that rough neighborhood.

In any event, Mr. Johanson had the money and Mr. Criden's son took custody of it.

Now, talking about Congressman Myers, he told you he took his money and put it in his bureau drawer and spent that money over a period of weeks.

He said it took him two weeks to dispose of it. No questions asked. Proper or improper?

Now, what happened between August 22, 1979 and January 24, 1980? Significantly, around the 24th of January, 1980, Mr. Criden gets in touch with Congressman Myers and says the sheik's representatives are in town, different people, they want to meet.

Congressman Myers goes up to the Barclay Hotel on January 24th.

Now, this Barclay Hotel tape, I submit to you, is extremely interesting. And Congressman Myers' explanation of it stretches our minds beyond the pale. It is difficult enough to think up a way around August 22, 1979 -- I explained to you it was Weinberg's tape -- Williams, Errichetti speaks to Myers, there was a script -- blah, blah, blah, and we end up this wasn't reality.

What do you do about January 24, 1980? That tape runs for about an hour and a half and of course, let there be no mistake about it, Congressman Myers has no idea he's being photographed. And during that meeting he probably tells you in the best possible way what he was about on August 22, 1979.

If you look at January 24, 1980, that resolves

any questions in your mind as to what was going on August 22, 1979.

Again, caught red-handed. In need of a story. Well, it's pretty tough to say you delivered a command performance August 22, 1979 and be rehired or had to get your Actors Equity card for January 24, 1980.

Again, rational, reasonable people are not going to believe that. That is really stretching it to the limit.

What does he do? "I was drunk. I was served tumblers of liquor, McDonald glasses filled with bourbon and I drank and drank before I got to the meeting."

Just in case we had any doubt as to how much he said he drank at the Barclay Hotel, "I had beer, beer, beer before I got there."

How do we prove that, or does it matter? They plied me with liquor. Two drinks. You saw them. And the proof that he was drunk at one point, they replayed a tape, and an icecube got stuck and he spilled something on his tie. I submit that happens with Coca-Cola.

In any event, he was drunk. He was drunk. And said things that were not true. He wouldn't

sell the City Council. He wouldn't sell his office or his influence or the docks with organized crime, introducing Immigration bills, selling his seat, selling his office, he wouldn't do any of those things.

How do we prove he would do any of those things? How do we prove he would use his influence? One way is we play a movie where he said so. He didn't mean that, he was drunk. Of course, when one is drunk one tells nothing but lies. Drinking, as everyone knows, removes inhibitions.

I submit to you the real Michael Myers, the real United States Congressman, was sitting on the couch at the Barclay Hotel just the way he sat there at the Travel Lodge Inn on August 22, 1979.

Can we play the tape, please. Your Honor, can I take two minutes?

THE COURT: Why don't we take a five-minute break.

MR. PUCCIO: Thank you, Judge.

THE COURT: Don't discuss the case, ladies and gentlemen.

(Recess taken at this time.)

THE COURT: Bring in the jury.

(The jury is in the box.)

THE COURT: All right, Mr. Puccio.

MR. PUCCIO: Thank you, Judge.

Before we play the excerpt of the Barclay meeting on January 24th, I think it is, I should put this in context if I may.

In the context with Congressman Myers' testimony, which is something you have to scrutinize and evaluate, as the Judge will tell you.

As I said to you before, the Congressman's position was on the 22nd of July (sic) he was play-acting. But -- he wasn't entirely play-acting on the 22nd of August -- 22nd of August I mean, during cross-examination, to sharpen it further: "I was talking about investments," he said, "in the City of Philadelphia, that was for real. I wasn't play-acting about that."

Investments in Philadelphia, perfectly legal and proper and something that should be encouraged and should be expected.

Of course, if that is the case -- the Congressman says, "I was serious about that." You have almost a dual personality where to believe Congressman Myers, on August 22nd he was acting one way at one

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moment and then switches to the real Congressman Myers. The real Congressman Myers says, "I want to invest for the Port of Philadelphia."

That is two personalities, two people.

When you get into the Barclay Hotel, it gets more complicated if you credit his testimony because then you have somebody who's got different personalities and he's drunk at one point and sober at another and crafty one minute and dull at another.

You get things like, you might recall just about every topic, City Council, Mafia, and everything else that he was selling, going to get money for according to what he said -- and all before he gets his second drink. All that has been touched upon.

Why is he saying all these things? He tells you that he was trying to find out what Mr. Wall was all about. He has mixed emotions about Mr. Wall and is trying to explore or investigate Mr. Wall. Flush him out. Do you believe that?

And this is while he is drunk. He's not to be accepted as what -- the way he presents hinself, because he is drunk. He is trying to cat-and-mouse with Mr. Wall to flush him out. For what reason

does he want to flush him out? Why?

He said, and this is particularly pertinent to the part we are going to play right now, you will recall during the meeting Congressman Myers himself brings up the incident in New York on August 22, 1979, where he said, "I got screwed."

And he said, "I got screwed," because there was supposed to be $100,000 and it turned out to be 50,000.

I'm going to play that in a few minutes for you -- part of it.

On cross-examination: "Why did you bring that up?" "Well, I was trying to find out what Mr. Wall was doing. Trying to flush him out a little bit."

I submit to you, ladies and gentlemen, the United States Congressman was not trying to flush anybody out. He brought up the subject at the Barclay Hotel of what happened in New York for the same reason he attended at the meeting in New York on August 22, 1979. Only he wanted more of it. He wanted more money.

Is that consistent with the tape? Of course it is.

Do you accept the explanation he wanted to

flush Wall out? Do you accept any of that nonsense about how these people on the one hand are my friends and interested in investing in Philadelphia, and on the other hand I am suspicious and I don't trust them.

Do you accept that split personality nonsense? Look at the tape on January 24th, page 115 -- can you play that, please?

(Tape played.)

(Continued on next page.)

(The following takes place after the playing of the video tape.)

MR. PUCCIO: Give me a reason is said minutes throughout these tapes.

Congressman Myers says: Now, if you give me a reason I have the F'n,to use Congressman Myers' phrase, balls to do whatever has to be done in congress.

Do you believe him when he said that?

I submit to you, ladies and gentlemen, that somebody who takes the stand and tells the kind of story that hthis gentleman, Mr. Myers, told you on this witness stand, and lies and lies, and lies, and somebody who admits to you --

MR. CACHERIS: Object to the characterization, your Honor.

THE COURT: Overruled.

MR. PUCCIO: And he admits to you that he came to New York to lie about taking some money, I submit to yu that someone in that category is not going to hesitate one moment to introduce a private immigration bill or to do anything else that is necessary in congress.

I also submit it to you because he says it again and again and again.

How do you get around this? It seems to be impossible toget around this.

Let's put our thinking caps on again.

Well, our explanation about August 22nd was based upon conversations that Errichetti presumably had with Weinberg, and then Weinberg was out of the picture and then Errichetti told me to put on an act.

What do you do in this situation at the Barkley Hotel where Weinberg is not to be found?

Well, what you do if you are Congressman Myers is you somehnow try to import Weinberg, interject Weinberg into this situation, hopefully to make the story believable. And it just doesn't wash.

First of all I ask you, ladies and gentlemen, you have seen the videos, you will have an opportunity to see it again and you heard the testimony, and I ask you to consider how much Me. Weinberg has to do with this case. I submit to you he has very little to do with this

case.

He is a very interesting red herring, a smoke screen, something the defense constantly questions.

You have to do things like make stories up here, cross-examine Mr. Weinberg and drop pieces of rug on the floor and play with telephones. You have to do something.

Now, let's see if we can put this thing in context. I asked Mr. Myers on cross-examination about this conversation. I was trying to flush out Mr. Wald. I was trying to find out what Mr. Wald was about. I was trying to find out if Mr. Wald knew about Mr Weinberg and was he working with Mr. Weinberg.

And did the same act follow?

Now, as unbelievable as that may be it gets more and more unbelievable as we go along, because there is a meeting the next day at the Barkley on the 25th, and I asked Congressman Myers, the next day were you drunk?

No. I was recuperating from the night before.

Were you play-acting?

Yes, I was play-acting.

And again I wanted to find out what Mr. Wald was all about.

Now, Mayor Errichetti is someone that Mr. Myers knew, someone he associated with according to the testimony on at least 15 occasions before these events. Mr. Errichetti is the link between Weinberg and the sheik or the sheik's representative.

Let's follow along this silly story of Congressman Myers. If Mr. Errichetti was the link, the coach, the one who gave him the story the first time. He goes up to the Barkley Hotel and forget about the fact that after Criden called him he went up. And after the first night he tells you he is probing. He tries to find out what Mr. Wald is all about.

Did you ever hear Congressman Myers say, Mayor, on the telephone, did he call, is Wald in kahoots with Weinberg?

Why didn't he call Erfichetti? Because the testimony was established before Errichetti was out of the case after a certain point, he was not involved, was not involved in the event, he

didn't want to say anything about Mr. Errichetti. But the fact of the matter is that it makes no sense if you think about it. It makes no sense whatsoever that he would try mysteriously trying to find what these things are about, that his teacher, his instructor who is sitting next to him right now, Mr. Errichetti --

MR. BROWN: I object, your Honor, the fact that these people are sitting in the courtroom in a particular place is not an element in the case. They may sit wherever they wish.

MR. PUCCIO: The seating arrangement is not an element, I submit.

MR. BROWN: Why say it then?

THE COURT: Ladies and gentlemen, with respect to where the defendants sit in their case is largely a matter of convenience. They like to be near their attorneys so they can confer with them as the case goes on. The attorneys may sit at the counsel table. There are not that many seats there so the choice of the seats are somewhat limited and it is certainly not the choice of the defendants.

So draw no inference from who is sitting

where.

Proceed, Mr. Puccio.

MR. PUCCIO: Thank you.

Show aMr. Errichetti who I am sure is listed in the phone book, or certainly is someone Mr. Myers can get in touch with, he was not called byMr. Myers to find out about Mr. Wald before Mr. Wald went up there on the 25th at the Brkley and continued his probing.

Now, it gest even more complicated because on the 29th there is a telephone call which you heard. And what is that telephone call about? More money. The $85,000 which was due to Mr. Myers from the meeting at the Barkley on the 24th.

As you remember there was 35 addition owed to him as a result of the meeting on the 22nd.

And 50 more to cover all these other problems in Philadelphia.

The 29th, was it play-acting? We don't know. Was he drunk? We don't know.

The 31st, he speaks to him again. Congressman Myers speaks to Mr. Wald again. What do they talk about? Money. The congressman

wants his money. He wants his $85,000.

As Mr. Wald testified, an arrangement was made for someone to be at Congressman Myers' house on February 2, 1980. So on February 2 -- and this person, Congressman Myers, was told by Mr. Wald, was to deliver to the congressman $85,000, as you recall from the testimony.

So on the 2nd of February Congressman Myers is sitting in his Longport home waiting for money.

And what happens? Who arrives?

Well, the sheik's emmissary does not arrive with $85,000. But instead agent McMullen arrives with agent Mauer of the FBI. They tell Congressman Myers that are conducting an investigation and they want to ask him some question. And the investigation concerns the activities of certain people. And he is asked if he knows Mr. Amoroso, who was using the name DeVito, does he know Mr. DeVito, does he know Mr. Wald? The answers were no, no, no.

He is asked the second time, do you know Mr. DeVito, do you know Mr. Weinberg, do you know Mr. Cohen, I'm sorry, Michael Cohen?

No.

And a third time. Well, he doesn't know any of these people.

Now, why does Congressman Myers falsely tell the FBI on February 2, 1980 that he doesn't know any of these people? Very simply because he doesn't know about this. He doesn't know about the video tapes. He doesn't know about the undercover investigation. So he lies, I submit to you, once, twice, three times.

Which is the act and which is rality?

That question or those questions might be asked in light of his testimony about this incident.

On page 3022 of the transcript:

"Question: By the way, you were interviewed by the FBI on February 2, 1980, is that correct?

"Answer: Yes.

"Question: You were asked during that interview by agents of the FBI if you knew Michael Wald; is that right?

"Answer: Yes."

Mr Cacheris corrects me. The question was Michael Cohen.

"Question: Was?

"Answer: I said no "

This is after Mr. McMullen has testified of course.

"Question: You were asked if you knew Mr. Weinberg?

"Answer: Yes.

"Question: What did you say?

"Answer; I said no.

"Question: You were asked if you knew Mr. DeVito. You said no to that too?

"Answer; Yes.

"Question: In fact, you denied knowing them on more than one occasion, is that correct?

"Answer: Yes. At that point in time I didn't know what he was talking about. The FBI agent had not instructed me why he was asking the questions."

(Continued on next page.)

MR. PUCCIO: So Mr. Myers is saying that the reason I lied is because I wasn't told why he was asking the question.

"Question: You didn't know who Mr. Cohen was February 2,1980?

"Answer: I didn't know who he was.

"Question: That's right.

"Answer: Yes, I knew but I was afraid at that point in time."

Alice in Wonderland.

"Question: Afraid of what?

"Answer: Michael Cohen was caught by the Sheik.

"Question: I see. Why did that make you afraid?

"Answer: Because these people I took as legitimate people, as a friend and I didn't want to see anybody in trouble. I didn't know what was up. When Michael Wald told me about the retaliation, Ernie would have to go do something, I didn't want to see anybody get killed."

The Congressman says he didn't want to see anybody get killed. He testified here he heard somebody was going to kill Weinberg. I don't remembe:

him reporting that to the Police.

"Question: You thought admitting to the FBI you knew the people somebody would get killed?

"Answer: They never told me -- I invited them in. The first question out of the agents mouth before he said anything was: 'Do you know Michael Cohen?' If he had explained to me I was under investigation, explained they were FBI agents, I would have been happy to answer the question if I knew more about it.

"Question: You wanted him to tell you that these were FBI agents who you met before you answered the questions?

"Answer: No, I wanted him to tell me things to properly answer the question.

"Question: They told you that they were conducting an investigation and showed you their credentials?

"Answer: They told me after they first asked me the questions --

"Question: You first said no, I don't know any of these people?

"Answer: Yes. Wait a minute, I told him I knew Howard Criden, Mayor Erichetti, other names.

But the Arab Sheik's representatives I said I didn't know. I didn't know why he wanted to know."

So the Congressman only tells the truth if he knows why the question is being asked.

Ladies and gentlemen, I spent more time then I expected in my remarks to you. I would just like to close with these few comments, you are the decision makers in this case not me.

You decide the facts. I submit to you when you are selected as a juror to sit on a criminal case or any case for that matter, you don't receive any devine inspiration, no special power or grace. You are selected to use your common sense and reason and experiences. I submit to you if you apply your common sense and use your reasoning you will arrive at the right result in this case. And I submit to you based on the evidence in this case, you should find the defendants Myers, Criden, Errichetti, and Johanson guilty on all three counts of the indictment.

* * *

* * *

THE COURT: Next, ladies and gentlemen, you are to hear Mr. Ben-Veniste on behalf of the Defendant Criden.

Proceed, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

May it please the Court, fellow counsel, Mr. Puccio, ladies and gentlemen of the jury, it

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seems like a long time since I addressed you last when I made my opening remarks and I said no matter how thin you make a pancake it still got two sides.

And I think you know now what I meant by that. I asked you at that time to hold me to what I said this case would be about, and I hope you do that.

I am going to run back to that opening a little bit for you in a few minutes. I told you at that time that I thought that this case would be the story of Mel Weinberg. And I think it is, because Mel Weinberg was the heart and soul of Abscam.

If Abscam had a heart, it is Mel Weinberg's heart. And if it had a soul, it is Mel Weinberg's soul..

Now, this is the only chance I am going to get to talk to you. And there is a good reason for that. Mr. Puccio is going to be able to argue again after all defense counsel has finished.

So he has had a chance to get your attention first and he is going to have the last word before Judge Pratt instructs you on the law.

And it might seem to be a little bit unfair. But there is a reason for it. And that reason is

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that under the law in order to convict any defendant, you must find guilt beyond a reasonable doubt -- beyond a reasonable doubt.

Now, that is a very substantial standard of proof. And it is a standard that must be complied with if there is to be a guilty verdict.

Now, when I sit down I am going to think of six things that I forgot to tell you. And when I go to sleep tonight, I am going to wake up at two o'clock in the morning and I am going to think of 42 things that I didn't tell you. So what I want you to do for me is when you are in the jury room deliberating and you think up an argument that I didn't make or some of my more experienced colleagues didn't make the argument, make it for us.

Don't assume that we wouldn't make it.

When I opened to you a few weeks ago, I said that I had a responsibility to defend Howard Criden. And it is a big responsibility. And in that connection, I asked you to do something. And in the course of this trial I've made objections. I have deported myself in the way that I have. That is the only way that I know how. What I want you to do is if I have done something that offends you or that

you think is wrong, don't hold it against Howard Criden. Do that for me. I know that there have been a lot of objections and side bars. And I tell you quite truthfully, if I were a juror, it would be a pain in the neck to me too to see everybody zipping over to the Side Bar, and you are actually a little bit out of it. Although I did peek over there from time to time and sometimes I could see you were having a pretty good time for yourselves.

But it would bother me. And with all these television sets in the Courtroom, it occurred to me that since Judge Pratt looks like you know who, and might have said at one of these Side Bars we will be right back, but Judge Pratt will tell you that the objections, and the Side Bars, and all that stuff are not your concern.

Your concern is the evidence and your evaluation of that evidence is what is important.

Now, the essence of this case is the question of the intent of the defendants, and particularly from my standpoint, the defendant Howard Criden, did the Defendants intend that Ozzie Meyers was going to do something involving his official position in return for the phoney Sheik's petrol

dollars.

That is the issue.

And I would like you to remember one thing, and by the end of the day I know you are going to be real tired from hearing from everybody, but remember one thing I ask you to do and it is this, don't compromise on your verdict. There are three counts in this indictment. And then there is going to be some sub-divisions of those counts. You will not be doing Howard Criden a favor if you think, well, let's convict him on one and not on two others. If you convict him, you convict him for life as a felon, and I ask you if you think that he violated the law, convict him of everything. But if you don't think he did, then you will hold out and you say "not guilty."

That is all I ask for.

Now, in my opening statement, I talked a little bit about Mel Weinberg.

Do you remember Mel Weinberg? After Mr. Puccio sat down -- I think he mentioned Mel Weinberg once or twice. And it certainly wasn't clear whether he was going to call Mel Weinberg. And I said if he didn't call him we would. And he did eventually

call Mr. Weinberg.

And I said that Mel Weinberg had pulled a sting that had so many different facets to it that it might be a little confusing for you to follow it. But I think you can follow it up now. I said, number one, step one of the sting, Weinberg convinces the FBI to finance him in his old sting operation, back him up, pay him a salary, knock out the three-year sentence that he had been sentenced to, in Pittsburgh; forget about repaying the $200,000 that he had swindled those people out of; create Abdul Enterprises as a front; give him limosines to drive around in; planes to fly around in; and a fancy townhouse to live in.

And you must have thought I was nuts when I said that. How could that be? How could the FBI be taken in like that?

Well, you saw it. Was it true or was it not true? And again, he has swindled $200,000 or more out of the people; been convicted for it; sentenced to three years; and he winds up in this courtroom dressed in three different suits by the FBI because they paid for the suits; paid $3,000 to $5,000 a month of your tax dollars.

Number two of the sting, make the Arab the fattest cat there ever was. A billionaire with untold wealth. Four-hundred million dollars on deposit. He has made his billions out of oil and therefore it comes out of the United States tax dollars. Two-hundred million dollars was going to be here for them.

And dangled a multi-million dollar casino deal -- hotel casino deal in front of these defendants.

(Continued next page.)

MR. BEN-VENISTE: While at the same time saying the sheik would like to meet some more people. Well, the Sheik was presented as the goose that laid the golden eggs.

I don't think there is any question in any of your minds about this. This was the scenario. But, another part of the scenario was this situation wouldn't last forever and Mel Weinberg was going to sting the Sheik, take a little money on the side, make a dollar along with De Vito and if these people went along, they can share in it too.

Mr. De Vito is straight, he was the watchdog, so be a little careful around here.

Step four, the Congressman is located.

Step five, get them before the cameras.

Step six, because Weinberg can't resist stinging them again, get gifts out of them, hi fi's, beta max, whatever it was.

Step seven, it sounds like a great movie. Cash in on making a book deal. You heard it. And I told you the only thing that these defendants ever did was take the Arab's money. I said there would be no question they took the money but would you -- what you would have to focus on is whether

they did anything, whether they intended to do anything.

I suggest to you that if the Government were really interested in testing to see whether Mr. Meyers would abuse his office, they would have asked him to do something. Did they ask him to do something between July and February? A phone call to the state department? A letter on official stationery? Any kind of indication which would show that he was willing to do something. To do something. Absolutely not.

And his Honor will tell you that that is something which you must consider in connection with arriving at your verdict.

Now, let's set the scene for what happens in this FBI investigation. The honeypot, as Mr. Weinberg described it, to his biographer, is set up. Incredibly wealty Arab shake, Arab oil money. And you think it's just a coincidence that his advisor is Jewish? Why did he make an Arab with a Jewish advisor? To make it all the more plausible, something wasn't on the up and up, this money can be extracted from the oil Sheik. Every time they ran into the problem, something didn't sound exactly

right, we are going to build a hotel in six weeks and break ground, but we don't have a site yet, we want to give you all this money but you don't have to do anything -- the Arab mentality is pointed to, they are paranoid about the Mafia, of getting things taken care of, they feel better giving money away. That is a panacea to explain all the inconsistencies with their scenarios.

What is the honeypot? You have to look at it from every standpoint. They wanted to make it as attractive as they could for all the people. You have to look at it like in the Japanese movie, Roshamon, everybody has their own point of view. Mr. Criden, Lou Johanson's point of view, you are talking about a big hotel in Atlantic City where they can all make a lot of money, legitimately, no question about that, but they can make a big fee.

You heard Mr. Criden's son testify it was a dream come true for him.

Ellis Cook testified about Mr. Johanson and the problems he was having in his family in terms of health and expenses, and this would solve all the problems.

This honeypot is laid out there and it's

going to solve everybody's problems. It is an appeal to human nature, human weaknesses, frailties.

From Congressman Meyers, what is the honeypot to him? Development of the port where his father and he worked. To put hard-working people out of work back to work. That was the honey pot.

Let's talk about the Government's case. We start with July 14th, which I think is the first time anybody in the case gets involved in terms of this meeting down in Florida.

On the 14th, there is a telephone call. Mr. Johanson talks to Mel Weinberg and says we are representing some people with property in Atlantic City, we are interested , you have financing, come down to Florida. Johanson is asked about himself and says, "Look, I am practically a graduate of the Seminary and so is my partner. You'll have no problem checking us out top to bottom."

They come down to Florida and bring with them the plans for the legitimate project.

Architectural plans which you have all seen, and other books, feasibility studies, and apparently Mel Weinberg threw them over the side because they are not there anymore. But they

continued to string him on all the way thorugh just like Wenberg writes in the book, when you have a sucker, keep him there promising the hotel is okay, going to recommend to the Sheik to go forward. Go over to London and going to do everything we can do. The Sheik is interested. This is what he said.

Give us a little more time.

And so they go down to Florida. They have a meeting. And on the way back there is a discussion on the airplane concerning the Sheik meeting some political figure.

Let's go to the Government's own case. Ellis Cook, I'm going to tell you a little about him. You have seen him already. I don't think Mr. Puccio gave you the full picture on Ellis Cook. Mr. Cook testified that under his agreement with the prosecution he can't be prosecuted for anything except if he lies.

He said he testified the same way in Court as he did in the Grand Jury and hasn't been prosecuted and Mr. Puccio said he's telling the truth. Let's look at what he said. No quid pro quo. Do you remember that? They sat around discussing the proposition, what was the money to be paid for?

It was always made very clear that the Congressman would not have to do anything in return for the money. No quid pro quo.

So they said, gee, this sounds crazy, like a fantasy. The Sheik has so much money, billions, $50,000 or $100,000 doesn't mean anything to him. Money means nothing to the man. They said let's go further.

Suppose there is something we should do, are we violating the law, they ask. Would they have to register under the foreign registration act. The answer was no because the Sheik was not a representative of the Government. So they solved that problem. And so they go up to the meeting.

And Cook testified how Mr. Criden and Mr. Johanson came back from Florida. They were like school boys. We can get financing for this project. This guy has a tremendous amount of money. This is what they wanted to invest. They were going to take care of their problems. Children's education is paid for, they can practically spend the money.

And on top of all that, we can make fees by introducing the Sheik to this Congressman.

Mr. Cook testified, no, he never had been offered anything like that in his whole career. It sounded impossible but well, let's go and see.

Now, Mr. Puccio said that Mr. Cook indicated to you that everybody was squirrelling their money in a safe deposit box. Nobody was going to make an announcement and tell about what happened.

But if we look at Mr. Cook's testimony, that is not at all what he said.

At page 1154, Mr. Puccio.

"What happened to that $4,500?"

"Answer: I eventually put it all or most of it into my Saving's account."

Savings account.

Then there was a question that Mr. Puccio asked you to consider, did Mr. Cook ever hear anything about play acting. Mr. Puccio suggests to you that Mr. Cook didn't know anything about play acting. He testified, of course, that the Congressman was to go up to New York where he would meet with Mr. Errichetti and Mr. Errichetti would tell him just what to say and do.

That is page 1162, Mr. Puccio.

Moreover, when you suggested that Mr. Cook

might not have known anything about play acting, Mr. Puccio must have been on the planet Pinkus when he played the tapes. You remember Mr. Cook, he was the play actor. Mario Noto, or Nopo, or whatever, it was he sure as heck who knew they were play acting.

What was the whole point of the Ellis Cook -- Mario Noto thing? Mr. Puccio did not play that day. He was prepared for you not to see. We put that tape in evidence.

And what did it show? It showed beyond any doubt that these people had in their mind that nothing would ever -- was ever going to be done because Mr. Ellis Cook would not do anything. He was not immigration person. It was quite clear on evidence that can't be refuted that they all believed that Weinberg was setting this thing up just so they could relieve the Sheik of some of his petrol dollars.

Is there any question that that Mario Noto inpersonation thing was on that basis. You saw Mr. Cook sit in that livingroom furnished by the Smithsonian Institution in Washington, and say to Weinberg, once Tony the straight guy had left,

well, how old is Mario Noto supposed to be?

Was that how he was going to talk if he was really Mario Noto?

How old is this guy supposed to be?

It's quite clear not only that he knew they were play acting but Mr. Weinberg fully expected a play act. That shows what these defendants also expected, and also believed and also had in their minds about the agent provacateur Mr. Weinberg.

Now, let's go further into the Government's case. Mr. Puccio called to the stand Michael Criden.

Forget about calling a man's son to testify against him in a criminal case and just think about what the testimony was.

Michael Criden testified in the Grand Jury and the testimony was the same in this Courtroom. He drove his father up to New York not for any sinister reason involving Mr. Criden, but because his father has a serious diabedic condition and can't be left alone or drive alone.

What did he tell you, ladies and gentlemen, about Mr. Criden's hopes and aspirations? That this whole proposal was like a dream come true. They would all make enough money and no matter what

happened Mr. Criden's two sons would have their education taken care of and he would be able to provide for them.

Let's look at the Mario Noto situation from Mr. Weinberg's point of view. The master con man.

He doesn't care if they bring in a ringer who looks like Mario Noto or not. Really, from the one standpoint if the ringer passes muster, if De Vito lets go of the 50 or 25 Grand, he's got a pay day coming back -- Mr. Weinberg.

But, if he's found out to be an imposter, then Weinberg doesn't know anything about that and he can prosecute people for impersonating a federal agent.

Either way he's got it covered because he's got the FBI behind him.

And remember the questioning of Mr. Weinberg on the stand as to why he didn't raise that ruckus. He said, "I didn't face Mr. Ericchetti down because I wanted to string him along. I did face Mr. Criden down because -- why did you tell Mr. Errichetti that I had told you I thought the man came from Mr. Errichetti's office -- that was his idea of facing him down."

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I suggest to you all the conversation after the meeting had to do with was who was going to take responsibility to bring a big stiff like Ellis Cook in who was going to pull off the impersonation. You didn't fool anybody for a minute. That shows you what state of mind was. Nobody was ever going to have to do anything.

Let's get to the heart of it. Why is Mr. Weinberg's credibility crucial? I suggest it is in this case.

You won't have to keep those heavy books on your laps while I talk because you won't have to turn any pages. I will give you my recollectionof what is on the transcripts. If I am wrong, you've got them and we supplement them for you with material we think is relevant.

Indeed, the transcript of the Ellis Cook impersonation is in there now. I think you saw the tape pretty early in the trial when the transcript hadn't been prepared by the Government. They wre working on it and working on it and yesterday finally came up and now you have it.

Why is Weinberg's credibility crucial? Will you push that button on, please. Here is

Mr. Weinberg. Why is this man's credibility crucial? This is the man right in the scene on August 22nd walking out of the meeting and I'm going to dub this scene: "Every dog has his day."

A big smile, a two-dollar cigar. He perpetrate the sting. He's done what he hoped to do to get Meyers to act before the cameras in that room so that he can go back to his FBI supervisors, if you can call them supervisors in this context, and say I delivered the man to you.

Weinberg's credibility is crucial in this case because he is not the one that denies saying to Errichetti, just have Meyers come on strong, he will never be called on to do anything, it's all B.S.

It's -- if you believe Mr. Weinberg's denial, then you ought to find Howard Criden guilty. But if you don't believe him, beyond a reasonable doubt, that he had that conversation, then I suggest you ought to find Mr. Criden and all the defendants not guilty. Because what is crucial here is what went on off camera. They had great control of what would happen on camera. What happened off camera?

Let's start before this meeting takes place,

what does Weinberg do. He goes downstairs, and breifs Mayor Errichetti.

Now, you remember all the talk about bod- recorders. Does Weinberg wear a body recorder? No, he doesn't like them.

Why? You recall the testimony of Agent Amoroso, because on a bod- recorder the Agent can fix it so that the wearer can't turn it off.

So there is no record to present to you, ladies and gentlemen, about what he told Mayor Errichetti. If they had said, "Mel, wear this body recorder and go down there and talk to Errichetti, then you would know. But they deliberately didn't do that because Weinberg didn't like body recorders.

I think Mr. Amoroso was sort of candid about what the meeting was all about when Mr. Brown was questioning him. I am sure other defense counsel are going to have something to say about it because it was a very important question and answer, I think the last question Mr. Brown asked, is it not a fact what this was all about was that you wanted there to appear on these video cameras and ultimately on tape for some future jury a scene which would depict people like my client performing supposedly for the

Sheik but actually so that you could say he was committing a crime, isn't that right? And Mr. Amoroso admitted he was right.

Now, what other evidence do we have to go on about what Mr. Weinberg said to prepare Mr. Meyers for that meeting? We have the Williams analogy, only a few weeks before and we can show you what Weinberg's methods were to bring Senator Williams before the camera, what to say and incidentally there are no charges brought against this Senator Williams.

What did Weinberg say? Weinberg said, you just get in up there, it's 20 minutes, it's all B.S.

Have him act like a tiger. Make him come over strong. It's all play acting. This is on tape. I suggest to you what happened is somebody went through the roof when they played that tape and said, Mel, you can't do that. We can't have that kind of stuff on tape. [illegible]

But do you think a person like Mel Weinberg would listen to that kind of an instruction? No. He did something different.

I suggest to you he had the same conversation and we have a part of it, come on strong and so forth, but in the crucial meeting which is before this,

August 22nd meeting downstairs in the lobby there is no tape recording, and in the crucial telephone calls of July 29th and July 31st, what happens? You have a conversation that starts: "Congressman Meyers."

It's an interesting start for a conversation. And you have the conversation and the gap in teh tape.

Now, I think it's kind of ironic that Mr. Puccio plays you the first tape. The first tape he plays you is the one that had a gap in it. The 29th. At least a minute missing, maybe two minutes. That is according to the phone records compared to the length of the conversation. You heard that yesterday.

What does this tell us? The taping instructions given to Mr. Weinberg were unequivocal, they were no exceptions. He was to tape every conversation from start to finish, use a new tape, one cassette per conversation.

What happens? He stops the tape recorder when they came to a part in the conversation. I suggest to you, ladies and gentlemen, what he did was stopped the tape recorder. Then, go on when he got finished talking about the instructions he

had to give, then pushed the button again.

He testified that the reason there are stops and starts is because he dropped it.

Ladies and gentlemen, to a scientific certainty which is a very rare thing in a trial, you heard the evidence which makes Weinberg out to be a liar, if nothing else, convinces you that he is a liar.

Not only he was a liar all his life, but he lied in this courtroom to you.

The way the tapes are handled with every other individual in the case, they are logged in right away and that is why I took some time to show you as the case was going in but the FBI practice is. What good practice is. How to deal with evidence.

With Weinberg, eight to 10 days before tapes got turned in. Why? Because he monkeyed with them.

Mr. Puccio said, and I have to laugh at it, is that the one thing that doesn't change in this case is the tapes. That is the one thing that did change. And you know it changed because the foremost expert in the United States told you so. The man Mark Weiss, together with Mr. Aschkenasy were on the Watergate tape and all selected from all over the

United States -- five people -- and he testified that there was absolutely no doubt in his mind that those gaps were made as a result of manually deliberately turning the tape recorder off.

Is there any question in your minds that Mr. Weinberg was lying to you when he gave that explanation?

Then we have the question ofthe lost tapes. Incidentally, all the exhibits will be available to you to show, for example, what it looks like, what the difference is between when a tape is dropped and when it is dropped and when it is stopped manually, so you will have all of these in the jury room. But there was no serious contention otherwise.

Now, let's talk about the lost tapes. This is so typical of Weinberg because he is a con man. You also -- you always have to throw something in that sounds credible. Not only tapes lost but his cigars were taken. That's what he told the FBI on the 23rd, supposedly.

Someone stole some tapes out of his briefcase. In a side pouch with two bundles of 25 cigars each. I know some of you either smoke cigars or have friends who smoke cigars. Is it believable, forgetting

about everything else, that somebody would check a bag and in an outside pouch put two bundles of cigars that would get smashed to smithereens when they're handled by the baggage handlers at the airport?

Go further. Like what happens when they get there. Supposedly he loses three or four or five tapes, depending on who you believe. Because there is no FBI report for this series of events. Nobody writes up a report. And nobody knows or remembers, did Weinberg have any other tapes in his possession. Weinberg didn't remember. He thought he didn't. Amoroso didn't know. Agent Brady didn't know and he met him at the airport. Agent Good, in charge of the whole investigation, didn't know.

But I knew. How hard was it for me to know? I looked at this exhibit. January 23rd, these two tapes were turned over (indicating).

Now, everybody's recollection has been refreshed. Yes, I remember he must have had it in some other place in his suitcase.. Is that what you would expect of the FBI? Is it something fishy about the lost tapes? Certainly something fishy about the gaps.

The law is that if there are missing or

altered conversations, tape recordings, and their absence or alteration has not been satisfactorily explained to you, then you may legally infer, ladies and gentlemen --

MR. PUCCIO: Your Honor, I object. I understand your Honor turned down this request.

MR. BEN-VENISTE: No, your Honor permitted argument on it.

THE COURT: It's not a matter for any instruction, but I don't think we are talking about the legal inference.

MR. BEN-VENISTE: An inference they may properly draw.

MR. PUCCIO: It's not a legal inference.

MR. BEN-VENISTE: They may properly draw it in this case.

THE COURT: All inferences may be drawn from the evidence, it is up to the jury. I don't think there is a legal inference.

MR. BEN-VENISTE: A proper inference.

You may properly infer on the basis of this record that those missing tapes or unrecorded portions of conversation, which are not produced, would be unfavorable to the prosecution. And I suggest

that on this record, on this evidence you should draw such an inference.

That explains why we don't have evidence of the instructions given to Mayor Errichetti as to how Congressman Myers is supposed to behave.

First they don't have it because they don't put a body recorder on that man when he goes downstairs; and secondly, Weinberg gets rid of the evidence and that is why he doesn't have it.

I suggest he knew, ladies and gentlemen, that Weinberg's tape recorder was more dangerous than the Son of Sam's .44. Because he was more accurate with it. He pointed it only at the words he wanted to pick up. He only pointed it at what looks incriminating. But it's just as lethal as far as the men's lives are concerned.

As if it wasn't enough that he altered the tapes, and that he disposed of others, he went over the transcript, which I suggest to you in order to do some individual things -- do you remember I caught him on one, the word that said Mikey, Mikey said, I think. Who is Mikey? There is only one Michael in this case, Michael Myers.

What did the tape really say? "Like he said."

This gives you an idea of what we are dealing with.

Let's evaluate Mel Weinberg. His past life has been entirely consumed with telling lies to people, with doing people out of things. The London Investors, Swiss Bank Associates, the phony gold contracts, breaking windows in stores, swindling his cousin out of $50,000. Do you remember that? "Did you swindle your uncle?" "No, I didn't. It was my cousin."

Oh, that makes it okay.

The obtaining of millions of dollars over the years from innocent victims. Illegally bugging his car and his office so that people who wanted to have private conversations there would be overheard. The removal of the "perpetual care" sticker from his own uncle's gravesite.

Ladies and gentlemen, would he take candy from a baby? How far would Mel Weinberg go?

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(Continued on next page.)

MR. BEN-VENISTE: (Continuing) Is there any limit in your minds, if it was going to help Mel Weinberg, how far would he go? Is there a limit, a man who didn't even have a social security number? A man who told you the truth on one of these tapes, when he said, I am the worlds biggest liar? But then, he lied to you when he denied it under oath.

Let's talk about the crimes that Melvin Weinberg confessed to; failure to file his income taxes, 1978 and '79, both years, when he was paid huge amounts of money by the United States Government. He had the brass not even to pay taxes on the proceeds of the money he had swindled from people in connection with the London investors scheme, over $200,000.00. No taxes, forgetting about not paying the people back out of the money he had gotten. Not a cent went back to those people, those desperate people who he strung along. Can you say anythong other than Melvin Weinberg is a one-man crime wave and he is still at it?

Let's talk about his interest in testifying in this case. He has already got $100,000.00 out of the government, more than that, I guess, if you figure in this month's $3,000.00, plus expenses.

Did you ever hear of an expense account where all your clothes are paid for? He has some real suckers here. The $3,000.00 a month is not going to last, if you blow him out of the water with your verdict. He's got an interest in getting you to convict these men. He's paid no taxes, filed no tax returns for the last two years, at least.

What did he say when I asked him, do you expect to be prosecuted for that? He said, I guess so. Did you believe that? And then, there is a bonus at the end of the case. Here's a bunch of more money; don't bother to pay taxes on it.

Mel, in his shades on the witness stand, three days, three suits, who paid for them? You did. Dimond rings on each pinky finger. Sure, America loves a con man like Mel Weinberg in the abstract, in a movie, "The Sting", but in real life, you don't like the guy who breaks your window or who swindles your neighbors out of their life savings.

It makes a great idea for a movie. Can you see the beginning of the movie of Mel Weinberg, like this cute little face in the nursery, with the little frilly hat and the cigar? And in the crib with thim, there are 42 rattles because he

has all the other kids' rattles. That's Mel Weinberg.

It's a great idea for a book, but it's not a great big human being you have seen here. It's funny in the abstract, but not in real life when you have a man like that with the assets of the F.B.I. behind him, whose got the con man's dream, somebody who vouches for him tc the tune of 400 million dollars. My God, you don't care if he spells Zurich wrong on his business card; you don't care what he sounds like. He has 400 million dollars in the bank and he can prove it.

Now, you and I, if we meet a guy like this on the street and you shake hands with him, you count your fingers afterwards, then you look for your watch. But this guy was backed up to the tune of 400 million dollars. That's the only think that made him real.

Let's talk about the missing film. His own pals at the F.B.I. said you took some photographs, this is embarrassing to us, you can't use this in your book. So they send some agents back in Florida to get the film back, and the first thing he opens up, the camera, and the camera has some film

in it that has nothing to do with the pictures he took. The agent slaps the camera shut and says leave it to me, puts it in his bookcase, briefcase, and he gets back to New York. No film.

In March, we have Mr. Weinberg's biographer. Weinberg says I have some photographs of the inside W. Street townhouse. February, he supposedly gave the film back. March, he tells his writer that he has the photographs. Is there any question but that he stole the film out of the F.B.I. suitcase? It's just another idea of what we're dealing with.

Was the F.B.I. mislead by Mr. Weinberg? He testified he was a stool pidgeon in 1960 and 1970; give a little information and get a few dollars, but it was an insurance policy so that big brother would get him out of trouble if he got caught in one of his real swindles. But all that time, did he tell the F.B.I. what he was up to? No, he mislead them.

Filing the tax returns, supposedly, the F.B.I. had no idea that he didn't pay his taxes. Then, the debriefing of Mel Weinberg, up in Pittsburg, three days, he said I sat down and told them everything about myself.

We put all the F.B.I. agents on the stand and in no way, no, he did not. We know nothing about all this other stuff. I called the agent, I think it was Batwell, the agent in charge of contacting all the victims on all these frauds he perpetrated. Did he ever tell you about the franchise holders, all the other con men, did you prosecute them? Oh, no, we didn't know about that.

What about Weinberg's perjuries, proveable under oath false statements. Let me give you a par partial list of where he lied to you and where we proved he lied under oath.

He swore to tell the truth. Swearing to tell the truth doesn't mean a thing to a Mel Weinberg. I suggest that to you. First of all, you heard him testify in Philadelphia only one or two days at the most went by in terms of turning over tapes. That was contradicted. No, that's wrong, it's been to ten. He denies providing any Abscam information to his writer, Mr. Green. That's been proved false. He said in Philadelphia that he filed a 1978 tax return, false. He said the reason for the gaps in the tape was because the machine dropped on the floor. False. He testified that he

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was debriefed by the F.B.I. for three days in connection with the Pittsburg case. False. He testified that he never mentioned Congressman Meyers to Mr. Criden in January of 1980, to set up the Barkley Hotel meeting with Cohen. False. He lied about how much he paid for his house. He said it was $25,000.00. False. It was $30,000.00. He lied about his involvement in fraudulent activity before 1962. False. He denied having spoken to Agent Good about a bonus after all these cases were over. False.

Who is Mel Weinberg, ladies and gentlemen? The heart and soul of Abscam? I suggest to you that Mel Weinberg makes J. R. Ewing look like Peter Pan. The man has no conscience. The man would do anything.

This is where you have to apply the legal standard of reasonable doubt. Do you believe Mel Weinberg beyond a reasonable doubt, when he denies saying to Mayor Errichetti for passage to Congressman Meyers, at this meeting, that it is all an act, it is just play acting, it's all B.S.; go in there and talk with the people. That's the standard. That's what this case come s down to. Do you believe

Mel Weinberg's denial beyond a reasonable doubt?

Now, sometimes courts give juries instructions about circumstantial evidence. I think it is instructive in thinking about how you would regard a person like Mel Weinberg or the real article, Mel Weinberg. Because, if you saw him on the street tomorrow, I will ask you to apply this test: circumstantial evidence is not direct evidence. And sometimes courts use an example where somebody gets on the subway in Brooklyn and the subway goes over to City Hall stop in Manhattan, two or three people get on the subway and when you went into the subway, the sun was shining outside but now at the City Hall Stop, a couple of people get on and they are all rain splattered, one has a wet umbrella. Normally you could draw the conclusion based on circumstantial evidence that in the time it has taken you to travel from Brooklyn to New York, that there was a rain shower and the people who just got on the subway got caught in it.

All right. Fair enough. Now, if tomorrow that happened to you, and you were in the car and Mel Weinberg got in with those other people, and

Mel Weinberg said to you, Wow, is it raining outside, do you want to buy an umbrella, would you believe it was raining or would you have a reasonable doubt that maybe Mr. Weinberg had a couple of people walk on to the train whose clothes were wet for the purpose of selling you an umbrella? Can you believe Mel Weinberg?

Reasonable doubt means a doubt that would cause you to hesitate in an act of importance to yourself like let's say buying a car. Or making an important investment. If Mel Weinberg gave you advice about a car or an investment, would you believe him? Would you have a doubt? Would you follow his advice? Is there any doubt in your mind?

Well, let's talk about the investigation. They employ Mel Weinberg. You have a scenario where Mr. Good comes out of the Happauge office in 1977 and he is in charge there and he says, well, I am going to get involved in something terrific. I am going to get a hold of Mel Weinberg and this is just what I need to make my reputation. But, does he find out about Mel Weinberg, who the real Weinberg is? No.

9 Ben-Veniste -summation

Nobody, I suggest to you, takes the time to ask him how have you been living for the past 50 years, Mel. They know he has been convicted in one case. I suggest to you every F.B.I. agent who dealt with the answer to the question, No, I didn't ask him about that. I didn't need to know that. I didn't want to know that. I suggest to you that the F.B.I. thought it might be easier to make a case where you had all this stuff prearranged where you make the crime happen yourself than it is to catch the bank robbers that they can't catch. Instead of making the city safe for people who ride on the subway, this is what they are involved with.

I think the F.B.I. reacts like a normal victim of a sting in this case. You know, a con man thinks that one of the things he has going for him is when someone gets stung, they are so embarrassed, they will not go out and say, oh, my God, I have been taken. That's normal.

The F.B.I got taken by Mel Weinberg. Maybe they just realized in the course of this trial. M Maybe they knew it before.

Let's look at the F.B.I. as a typical mark.

Who was the first person who was supposed to supervise Mel Weinberg? Agent McCarthy. When you look in the dictionary for policeman, you see a picture of Mr. McCarthy, because he acts and looks like a policeman, and that's good, because that's what the F.B.I. is supposed to be.

When he says to Weinberg, look, if you get involved in any of your scams, if I catch you out of line, Weinberg, I am going to lock you up. That's what his testimony is, I am going to lock you pu again, because he was the one who locked him up the first time.

But before you can say boo to a ghost, goodbye Mr. McCarthy, hello Mr. Amoroso. Somehow Mr. Weinberg had gotten Mr. McCarthy out of the picture.

Now, what does Mr. Amoroso know about Mel Weinberg? Nothing. He had been convicted once. That's all he knows. He naver made an inquiry about Mr. Weinberg; saw him continuously for six months. What was his answer? I wasn't interested. Maybe Mr. Amoroso thought what he didn't know wouldn't hurt him. But he didn't know anything about the fraud he had perpetrated. He didn't know

that it was the same sting in the London investors case with the huge amount of Arab oil money that came to be Abscam, and the same thing with the ficticious Lady Knight and the presents that would make her happy. Same sting. Same Mel Weinberg.

Look at the F.B.I.'s tape expert. He didn't want to know what happened. Did he conduct one experiment? Did he do one test himself? Did the whole F.B.I. not know what to do to test a tape like this? Do you think Mr. Ritenour was the one who made the decison, don't test the tapes? Somebody did. Why?

Because they would have agreed with America's formost expert, Professor Weiss, if they had done the test. Instead, they could come on the stand and say, I don't agree with him, if you drop the machine and it lands exactly on its side, maybe it won't warble, but I won't testify to that.

The only one who had some candor at all, I suggest to you, about testifying about Weinberg, was Agent Best from Philadelphia, who testified we had no use for Mel Weinberg in Philadelphia. But even he didn't know that Weinberg had set up the Ozzi Meyers situation with Mr. Criden until

his recollection was refreshed.

Agent Good didn't know who was in charge of the investigation. Agent Amoroso didn't know. Mr. Weinberg testified, no, I didn't mention Ozzie Meyers to Mr. Criden. Then you have Mr. Best finally conceding, yes, he did.

Let's talk some more about candor in this case. Every F.B.I. agent was called except the one who poured the drinks for Ozzie Meyers. Why? Ask yourselves.

Mr. Puccio talked about one drink. Well, you're not unsophisticated, ladies and gentlemen. He has to give you some credit. One drink is not a tumbler of whiskey, that's not one drink, that's five drinks. Then another one on top of that. But, they didn't call the F.B.I. agent who poured the drink.

Agent Amoroso, from the witness stand, evaluating Mr. Weinberg; he was a skillful con artist. A question by Mr. Brown, he conned everybody but you, right? Answer: No, I could be conned just like anybody else. One of the only quotes, the only quote I am going to give you today, is from Will Rogers who is one of my favorite writers, who

said, just be glad you're not getting all the government you're paying for.

Well, this is the case that shows it. It is sad, it really is, that these men are on trial and Mel Weinberg in this Mach IV Continentle is still being chauffeured around by the F.B.I.

But as I said to you when we first started out a couple of weeks ago, you are going to write the last scene of this sting. You can give it the O'Henry touch. It's in your hands. I hope you do. Sting the stinger. By your verdict, you're going to determine whether Mr. Weinberg is credible or whether he is not.

When you think these men should go to jail and Mel Weinberg shouldn't. I started out saying there was something called an anology. I tried to draw an anology in terms of the old movies where you see the poor fellow waking up in the motel room next to a girl he never saw before and they are both undressed and somebody comes in with a flash bulb, because he has been given some knockout drops. A picture is worth a thousand words. If you don't know the background to this, you would say, oh my God, what is this? But in that movie,

if you don't show the knockout drops, you don't understand what happened.

The intoxication in this case was Mel Weinberg in this honeypot. Sure, it was a honeypot. It was the answer to all these peoples' dreams and it was free money. Too good to be true.

You have to prove, if you are Mr. Puccio, beyond a reasonable doubt, that Mr. Meyers intended to be influenced in his official capacity.

I suggest to you that they can't do that. Mr. Puccio argued to you about what is proper, the propriety of Congressman Meyers actions. Well, first of all, your verdict has to deal with guilt as to a criminal charge, just the charges that are here.

When we picked you as jurors, you all promised to do that and I know you are going to do that. I am not talking about what is proper. You ought not concern yourselves with whether Congressman Meyers should be a member of Congress or whether Mr. Criden should continue to be an attorney. There are groups that take care of that. The Bar Association, Congress censors. Those are things that are not for you, the

disciplining of these individuals in their professions. That is not your concern, and His Honor will instruct you on that.

Howard Criden knows that he's probably going to lose his profession as a result of all this.

MR. PUCCIO: I object to this.

THE COURT: It's improper argument.

The jury is not to be concerned with the consequences of what their verdict may be.

MR. BEN-VENISTE: Ask yourselves, why not a single thing was asked about Ozzie Meyers to test him, as to whether he really intended to do anything. Wouldn't that be the fair way?

Ozzie, write a letter to the State Department, just to introduce the sheik. Let's see if you get anything official on stationary. Not done; it's too risky. He would have turned them down, because they knew he wasn't going to do anything. They knew Weinberg's techniques.

I ask you again, not to compromise verdicts. Don't think you will be doing anybody a favor by a split decision here. That's a disaster for Howard Criden. You brand him a felon, if you convict

him, convict him of everything.

Something on those tapes struck me as I listened to them. Mr. Cohen or Mr. Wald, whatever his name is, they talked about the Statue of Liberty. The shape was like the bypass of the Statue of Liberty.

Ladies and gentlemen, don't you bypass the Statue of Liberty. This is still America. Now matter how they make it appear on these tapes, yes, Mr. Criden appears ridiculous on these tapes; yes he appears foolish; yes he has been ridiculed in the press in this courtroom the way he looks.

MR. PUCCIO: I object, Your Honor.

MR. BEN-VENISTE: Probably he is guilty of being greedy.

I ask you, ladies and gentlemen, to consider that these are human frailties. This is not the crime that is charged here. Don't convict Howard Criden because he's foolish, that he made a mistake, that he succumbed to the honeypot, that he took money. Money is not what this is about. This is about the intent of the people.

I ask you not to brand Howard Criden a felon with a guilty verdict because you think he

is a fool or that you think he is avaricious. If you think that he is guilty, if you think that they intended for Ozzie Meyers ever to do anything for this sheik, then find him guilty. If you believe Mel Weinberg, that he denied how that meeting was set up, beyond a reasonable doubt, find Howard Criden guilty.

But if you don't believe him, I ask you, ladies and gentlemen, find him not guilty, on each of the counts of the indictment.

Thank you.

THE COURT: Thank you.

At this time, we'll take a short recess.

Don't discuss the case.

(The jury withdrew from the courtroom at 3:10 P.M.)

(After recess.)

(The following occurred at 3:25 o'clock p.m.)

THE COURT: Bring in the jury.

(The jury thereupon returned to the courtroom at 3:27 o'clock p.m.)

THE COURT: Next, ladies and gentlemen, we are to hear from Mr. Duffy on behalf of the defendant Johanson.

MR. DUFFY: Thank you?

Members of the axe squad, Mr. Puccio, ladies and gentlemen, my mother says I was vacciniated with a victrola needle, so you can expect me to be a while. I say that up front because when you give an Irishman sixteen people and a captive audience, and the rules say that they have to listen, you don't know when he is going to finish, and I have a lot to talk to you about this afternoon.

I said before in this courtroom; I don't know if I said it in your presence, but if I didn't I will say it now, I have a man's life in my hands. And I have to argue to you this afternoon to decide this case the way I see it. I say argue for this reason -- some lawyers say sum up. I think the

Judge put it that way. Some say speech. But it is really an argument. It is an argument because this man, and this man (indicating) and all the rest of the federal agents who are missing now so I can't point at them today, and I disagree over whether we should even be here.

The stuff of tragedy is in this room. Think about it.

We have had two and a half weeks filled with buzz words, sting, mark, hustle, swindle. Words like that. The left hand, the name of the yacht, tells what this whole case is about. Do you know what the word is in Latin for left, sinister. That's what it is about. This case is about sinister. But there are some other buzz words that we haven't used in the courtroom and it is about time that somebody did. Words like tragedy, disgrace, ruin, frame. Words like that.

I want to talk to you first a little bit about what your duties are in this case. The Judge will tell you. But I want to underscore some of them for you.

You have listened attentively. I don't mean to be patronizing. I do not mean to court

your favor with flattery. But whether you know it or not John Duffy has been watching you for a couple and a half weeks, and I have never seen a more attentive jury. I ask you to hear me out and my two remaining brothers. And I want to talk about some of the things you are going to have to grapple with when you get back in the jury room.

It is pretty tough to follow Mr. Ben-Veniste. I was up all night writing out those cards for him. I thought he would do a good job and he did. I'm going to try not to touch the things that I wrote for him.

I want to talk to you first about what your job is all about. Then I am going to talk to you about what Mel's job is all about.

Concerning your job, when you get in the jury room, you are going to have to decide who told the truth.

It sounds pretty simple.

Maybe the judge will give you some accepted tests that we apply in the courtroom. I'm going to give you some that I think are reliable when you undertake the task to determine credibility.

One is the interest of the witness in the outcome of the case. What I am about to talk about applies to every witness who took the stand. The interest of the witness and the outcome of the case. It cannot be gainsaid, we can't deny, that Ozzie Myers, a congressman, has an interest in the outcome of the case. He has got a great deal to win or lose at your hands. The Judge may have something to say about it.

How about the rest of the cast of characters? How about Mel Weinberg? Does he have something to win or lose at your hands? Is ABSCAM over until his book comes out, the Sting Man?

How about the F.B.I. agents, fellows like John Good. Good ran the whole operation. And the Government didn't call him. We had to call him. Does he have an interest in the outcome of this case?

How about Tony Amoroso?

How about John Mc Carthy?

Do they have an interest in the outcome of the case?

Will the Federal Bureau of Investigation have egg on its face if you by your verdict say

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4A we have had a belly full. What was done was not right.

Interest. The demeanor of the witness on the stand.

(continued on next page.)

The demeanor of the witness on the stand. How did he act? How did he answer? Think about Mel Weinberg for a minute.

That's correct.

If it's in the transcript, I said it. I don't know, Mr. Duffy, unless I look at the transcript.

Juxtaposed his reactions on Ozzie Meyers.

Did he hesitate or did he answer every question, not only the questions put on direct examination but the questions put on cross examination when the interrogator was from the other side.

Think back to the federal agents who took the stand. Your FBI. Their reactions. Their answers. Their demeanor on cross examination.

Did you see Good sit in that chair and look at that men(indicating) when we cross examined him?

Did you see Amoroso do the same thing? Did you see McCarthy do the same thing. Did you see the fellow who was probably the most -- Ritenour do the same thing?

Were they looking for the prosecutor's approval? Did they dodge our questions.

When we asked where is the report, did we get it?

The demeanor of the witness on the stand.

Was he forthright or did he seem to parry ? Did he seem to dodge. These are the kinds of things you look at.

There was a fellow in this town named Louis Nizer, a lawyer, who wrote a book I read when I was in law school, or right after I got out, when I got into this unenviable position that led me in front of you today.

The book was called "My Life in Court." I always thought it should have been called, "How great I am."

It was a biography. But Louis Nizer had in that book a little cuplet that was printed in italics and appeared throughout the book. And it stuck with me thoughtout my career and practice of law. Just two lines:

"How do I know."

The rule of probability tells me so.

Maybe that is the best test when you are determining if Mel Weinberg told the truth as opposed to whether Ozzie Meyers told the truth, because that is what this case is all about. This case is all about Mel versus Ozzie. It boils down to that.

When you are determining which of these persons told the truth ask yourselves, somebody recite that cuplet, "How do I know.

The rule of probability tells me so."

I don't know if there are any horse racing fans among the members of the jury, it is not likely with so many ladies present. They puclish a newspaper called the Telegraph. There's a reason.

Do you remember when I told you in my opening about my father and the Grape Nuts. It said on the box "there's a reason." And I never knew what it meant. There's a reason for everything in this case. In fact, Ozzie said, "Give me a reason."

And they publish the Telegraph because thorobreds run to form, you see. They are predictable, you see. And I argue to you that Mel Weinberg is a thorobred to the first degree.

Why do I say that?

I say that because I want you to perceive his testimony in light of the argument of his entire life, what we have dragged out of him kicking and screaming from that witness stand.

Did he start to tell the truth here? Did we have a preacher back there and did Mel run up and

say, "I have been saved. I'm going to tell the truth from now on. I have seen the errancy of my ways and I'm going to keep God's command because I'm going to tell you 16 people the truth," or did he run true to form. That is really what you are going to have to decide.

The Judge said earlier today that the Government is not on trial. Maybe the system is not on trial Maybe the establishment is not on trial. And I guess I could disagree with that.

But I would rather characterize it a little differently. Who is on trial here? Louis Johanson, Howard Criden, Ozzie Meyers and Angelo Errichetti.

But it runs much more deeply than that. I can't help but remember Peter Finch's line in the movie, "Network," "I am mad as hell and I am not going to take it anymore."

In your deliberations, you are going to have to decide the question of Mel Weinberg. The caption doesn't say it. I don't know if you have seen the indictment or if you will, but the indictments, as all indictments starts out with four words, "The Grand Jury charges."

When I was a kid fairy tales started with

four words, "Once upon a time."

That is what I want to argue to you this afternoon. All I have to say about your duties touches really upon who is credible.

I think the Judge said to you , lawyer's arguments are important because they have lived with the case. And that's true. I have been living with this case for over six months. I want to share with you some thoughts that I have.

I'm going to try not to -- temptationwill be great -- but I'm going to try not to tell you what I think. I'm going to try to argue to you what you should think based only on the evidence or the lack of it.

There was a film clip shown on television some years ago, a tragic scene, of a Vietnamese standing in a field, or on a roadway, and I don't know whether it was a policeman, or soldier, or -- what, and I am sure that some of you saw this film. But he walked up and took a .38 and blew a hole in his head (indicating.)

No, I didn't mean that. I didn't mean to inject any levity. It is a serious analogy that I would like to make to this case.

When I saw that that stark reality of a murder was something I could hardly stomach. If any of you saw it I think you probably would share my reaction to it. You see I go to the movies and John Wayne shoots Indians. But you all know, everybody knows, when you say "cut", the Indian gets up, and it probably wasn't an Indian anyways.

It's there. But nobody really got hurt. But when I saw the Vietnamese get shot in the head and collapse it just arrested my emotions. I froze. I wonder if that feeling would have left me if the film had gone on and I saw him get up. That is what we are dealing with in this case. We have a film, and a Congressman takes money. It is handed to him. He says that I will promise to do -- he would promise almost World War Three if they wanted it. And that is all you have when you get into the case six months ago. You have the Government with a film. And you start to ask questions. And at first maybe like when we opened to you it doesn't make sense. What do you mean a game? I don't know. Tell me about it. And they did.

And then you start thinking, my God, what happened here -- let me go look. Let me use the

rules. Let me find out if I can dig out anything to support this because if this happened it's wrong. If this happened you have got to get some people from Brooklyn, Queens and Long Island to hear about it. The day is going to come when you have to go into Court and show them what they did to these men. So you work. And you stay up nights. You meet some good lawyers. And you get on a team. And you did, and you scrape.

You don't take on the United States Government in a frontal attack. You can't do it, a little fat guy from Philadelphia, a couple of fellows from Washington, and the man from Jersey City, as great as he is. You don't do it. It's a street fight. You have to conduct Guerilla warfare. You have got to take a shot here, a shot there. You have got to try to capture a block because they own everything. They have got the films. They have got the audio tape. They have got all the FBI. They have the Department of Justice. They have got Civiletti and all the people in Washington talking about the case. And you take it on. Then you start to find out, wait a minute, look what they did to Williams. My God, they are right. And then they start to provide

tapes. And transcripts. And you say, hey, look, look what Mel Weinberg says in front of Tony Amoroso, "He's going to have to come on strong." Ozzie is not there. Lou Johanson is not there. Just Errichetti. You start thinking about Errichetti telling Meyers, "It's only an act. Mel has got it fixed. He will go to South America and he will never have to come here."

And he says, "Wow, maybe they are right." So you dig some more. You have the good fortune to work with a fellow like Ben-Veniste who knows some tape people. So you throw some tapes under the microscope and you find out they have been altered.

So you get a hearing cooking in Philadelphia and you meet Mel Weinberg. And you get him under oath. And he is Puccio-less. He is in my hometown. And you start firing questions at him. And he says he filed his '78 tax return. And he says he did not file a '79. But he's working on it with a lawyer in Mr. Puccio's office. You write it down, and you do some checking. And he tells you in Philadelphia when we are on the boat Criden brought up the stuff about immigration.

And you write that down and you check on

that. And you get into your discovery and you find out, and so does Mel, that Amoroso wrote a report. And the report says "I" Amoroso wrote that out, not Howard Criden.

Then you find out that Mel didn't know about the report.

So you start sticking those cards up your sleeve until the right day comes along.

Now, I am going to share a thought with you that may run afoul of what Mr. Ben-Veniste told you. I do not perceive this case really as turning on whether or not Mel Weinberg paid his taxes. That isn't what is important. If you feel repulsed or indignant that he has been cheating our government, that's up to you. The fact of the matter as regards our taxes is that he lied about it under oath.

He took the stand in Philadelphia -- do you know this is a Courtroom story -- this case began in a courtroom in Pittsburgh. The light was turned out in a courtroom in Philadelphia and Mel came to rest in peace in a courtroom in Brooklyn.

The reason I raise the taxes question with you has nothing to do with him cheating our Government. It has nothing to do with --

well, I'll have something to say about our FBI in that connection -- but it has to do with him committing flat-out perjury.

The judge may tell you -- let me tell you something about John Duffy. I don't argue the law. You will hear precious little of it from me because I learned in 18 years I don't know a hell of a lot about it. So I leave that up to the Judge. But the Judge may tell you a maxim in the law. It was written originally in the Latin, falsus in uno falsus in omnibus. That is alter boy talk for false in one thing false in everything. And that is part of my argument to you.

(Continued summation by Mr. Duffy.)

Take this question of the tax return, if Mel Weinberg lied to John Fullam, a federal district court Judge in Philadelphia, about filing his tax return in '78 -- before '78 -- in '79, if he lied to Judge Fullam about that -- and I am only talking about two episodes, about Howard Criden starting the immigration or even participating in the immigration conversation on the yacht Sinister, then you have a right to believe he lies about everything. But it doesn't end there. How do I know?

The rule of probability tells me so.

These people, and you know I say these people, and maybe it is not the Government of the United States. Maybe the Government is not on trial here. Maybe that is carrying it a little too far. But I argue to you that there is a nest of dangerous and criminal men at work here, a nest of dangerous and criminal men, dangerous to the future of our American Society.

I don't usually make political speeches, but I am worried. I am truly worried, and I think you are because of what happened in this case.

Mr. Puccio used the verb this morning, to manufacture, when he referred to whether or not a meeting occurred, whether or not Mel told the Mayor whatever it was that he was speaking about at the time.

And manufacture is a good verb to use in this case. Let's look at it. I do not use any notes because I learned long ago that I am lazy, and if i have notes, I will read to the jury and I will put them to sleep.

Now, Mr. Ben-Veniste said I only get one chance to stand up in this case before you. It's

a pleasure to get up and argue because anything that -- you see I leave crumbs for Ray Brown and he will make you a cake before it's over.

Take a look at what happened in connection with manufacturing. I'm not going to point you to the transcripts because I don't like that. I am pompous enough not to want what I have to say to be interrupted. But there is a place in the transcripts that, and a couple of them in fact, where Mel is talking and one other place where Tony is talking. And the question is where are we going tohave the meeting? Where are we going to meet with the Congressman.

Somebody says Jersey. Mel says okay.

And then Mel realizes that he is talking about one thing -- and it's in there -- and Erichetti or someone, or whomever is speaking, is talking about something else, he's talking about the Congressman. And Mel immediately picks it up and says, oh, no, not Jersey. Well, why? Why is that important? Wait until you hear the law. We have a law called the Travel Act. And if you are in Longport, New Jersey, and you travel to Camden, New Jersey, or Atlantic City, New Jersey, to do something, whether it is

criminal or not, you do not violate the Travel Act. You have got to travel to another state. Manufacture. It is part of the scripted scenario. I was impressed at the commencement of this trial when you got your little books, or your big books, because every time Mr. Puccio was going to do something, what did he do, he gave you a new script to follow a la Mel.

And I'm going to talk to you about what happened at the Travel Lodge -- Mel's diner. That is where they brought him, Mel's diner.

What happened at the Travel Lodge? I ask you to go back to the rule of probability because that is where you are going to find the answer.

What does the Government have up front? We had a lot of trappings. We had a lot of innuendo. We had a lot of argument.

But what do they really have up front.

Turn to the page in your books where someone says to Angelo Errichetti we want a corrupt congressman. Get us someone who is known for committing crimes. Give us a famous, well-known bribee, not a bit. Because it is not the way they work. They start in a courtroom with Mel Weinberg pulling the

incipient stage of the greatest scam of his career. He took the FBI. He took Moe Curley and Larry, and now he wants to take you.

How did he do it? He got arrested by Agent McCarthy. And he was in trouble. He was a con man, a man who needed a story.

And did he come up with the story. Just like when he was 17 years old and his father was in the glass business with the contract with the insurance company, and he started breaking windows.

We didn't learn what underworld figures, friends of his or otherwise, he turned in, but he tells you he cracked four cases. And then he started to sell McCarthy the Brooklyn Bridge. And McCarthy and Good bought it. It was later sold to Lou, and Howard, and Angelo and Ozzie. If you come in with a guilty verdict Lou is going to be out there with a little toll gate because he'll need it. And this is where Weinberg really starts to cook. He got his newfound buddies -- and you see here is the problem -- in the case as I perceived it in the beginning the problem I have is not turning Mr. Weinberg into a folk hero. That is the problem. I mean he sold the FBI. They thought he was the

greatest thing, I think somebody said, since sliced bread.

You started off, you have to remember -- and I would like to dispose of this concept of Government. We are dealing with people. And we started off selling people, that people (indicating). And then he got Good. And then he got Amoroso. As Mr. Ben-Veniste told you, McCarthy said that if you step out of bounds I will lean on you. So we have to get rid of him. He started off making nothing. That is what he told us from the stand. And then Weinberg, we uncovered that what he was getting was $40,000 in the first four months. Thirty from the insurance company and $10,000 and bonuses from the FBI for some stolen property that he recovered. He even turned in his own kind, ratted them out.

He had to perpetuate his own existence. And it must have been titillating to him on a day-to-day basis to see these "G-men" swallow the bait. The front had to be better, not Mel has to eat steaks and smoke two-dollar cigars, no, but we have to do this in order to reach the marks, the buzz word.

I need to have more money.

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When did he get it?

As soon as he got rid of McCarthy -- I'm not going to call him Charlie McCarthy -- but as soon as he got rid of McCarthy he got a raise to $3,000 a month. And it went on. Automobiles followed. A townhouse in Washington followed. People. And now he had to do something to earn it. He was really, I argue to you, a commission salesman. You know anyone in this room, if you hired on with the New York Life Insurance Company and got a job, and you have a suit, you could be a life insurance salesman at $200 a week.

But they only give you that as a draw. After a short period of time you have to produce some products. You have to produce some policies. You have to get customers. And that is what Mel started to do.

When does it begin? It started on a golf course. I'm not going to bore you with the details. I will give you a conclusion, an irrefutable conclusion from the testimony. From their side it was a completely legitimate business proposition.

(Continued next page)

MR. DUFFY: Why do I bring it up? Because Amoroso told us and Mel Weinberg told us that the policy was to discourage, dismiss anyone who brings you an honest fellow.

And that is important for this reason, Mel Weinberg knew that Lou Johanson was a City Councilman in Philadelphia and former State Senator. He told you that.

So they had to dangle something. Is there anything in the evidence? I am going to repeat myself but it's appropriate in this case, is there anything in the evidence to show anyone said to Lou, get us a crooked Senator? Get us a crooked Senator? No. What they said was, we like your deal, you're going to make five million dollars. You're going to get out of that row house on Franklin Street and you're going to be a rich man. And they think, the testimony went, we would like to meet -- Ellis Cook -- we would like to meet some important people and there is money in that. And they get checked out. And boy do they have a friend at Chase Manhattan. Four hundred million dollars. Someone at Chase Manhattan lies to people and says they have it.

So the story goes on. Ozzie told you the story, Lou calls him. He says you would have to do absolutely nothing. The truthful witness, he says he was truthful (indicating), you decide if it was truthful, Ellis Cook, who used the Latin expression -- we lawyers like to use Latin expressions -- no quid pro quo. That means this for that.

It means you get to do something and when you say no quid pro quo, that means you don't have to do anything.

Then what happens? You see the lure. Just let us meet some important people, the lure is cut.

The first thing you got to do to scam somebody is get somebody to scam. So however you get him in, it doesn't matter. Bring him in, and then you work for Mayor Errichetti and tell Mayor Errichetti -- is this probable in the circumstances? This is what you have to look at. You tell Mayor Errichetti, promise them everything. And this is on the Williams tape, ladies and gentlemen. Promise them everything, come on strong. It's bull shit, bull shit, bull shit.

Start World War III if he says so. You will never have to do anything. I already arranged for the Sheik to have asylum in South America.

Do you think Ozzie made that up? Who is the maker up here in this case? Does it make sense? Does it fit into a full pattern? Is it the kind of thing Mel Weinberg would do?

Ray Brown asked him -- I've got a brother-in-law who wanted to get into the case so he made this up (indicating).

Ray Brown asked the question and here it is. This is a blow up of it. Let me bring it up closer. This is a blow up right from the record. It even has a Court Reporter's mistake in it. "Is it a fact that what it was all about was -- is that you wanted there to appear on the video camera and ultimately on tape for some future jury would depict my client performing supposedly for the Sheik but actually so that you can say that he committed a crime, is that correct?

"Answer: Yes."

And Ray Brown was smart enough to quit there. He said, "I have no further questions at this point."

That is ABSCAM. Because that is what Mel sold to Tony and that is what brings you people to Mel and Tony's hump party.

That is what brings us to Court today. I don't know about Amoroso. I am not sure I can argue to you about Amoroso. I don't know that you know enough about Amoroso and his involvement. It's an enigma to me. I have been trying to figure it out.

You look at some evidence and Amoroso is in up to his teeth. Joey takes three television sets to the Wyatt House, three, for the Board of Directors. And who is there? Mel, Tony, and I think it was Brady. Three guys there. Mel might be greedy enough to want three, I don't know.

I really can't argue sensibly to you about Amoroso. A trial is supposed to be a search for the truth. I don't know if we got it all. I don't know if you have it all. Even whether it's there for you to sift out. If Mel is going to continue with his license to steal, which is what they gave him, with his own personal private secret police, which is what they gave him, then

he's got to turn out some product. And what better way than to get someone to think it's all a game.

There is nothing wrong with it. You will never have to act like a Congressman. This fat cat Arab has so much money we have to take so much from him a month. I think it's on one of the tapes, it ain't going to last long, we've got to get it now.

And then you see the rape of a United States Congressman. That is what happened.

Let's go back to the boat down in Florida and talk about -- that is where I'm going to start. This might be kind of a shift position, this is new part of the argument. Enough of the philosophy, let's talk about the case and the evidence, about what you heard and about what you didn't hear.

Has it struck any of you what is missing? Are any of you curious? Here is your FBI -- not my FBI -- your FBI. The college cops of the country. They are all accountants or lawyers. I asked them on th stand: "Are you a lawyer? Yes, I am a lawyer. I am law trained. What is your speciality, accounting? Yes, accounting."

College cops. They aren't fellows from the

neighborhood. These are the creme de la creme from the American confabulory and they have rules. And we wormed some of th rule provisions out of some of them early in the case.

When something significant happens in an investigation are you supposed to prepare a report? Yes, Mr. Duffy. Is that report called a 302? Yes, Mr. Duffy. How many of those are missing? Let's just go back to the boat. The business meeting on the boat that was completely legitimate. Any report about that? Also tells us we filmed it, but we don't have it. The camera broke down. He produces Mel and Tony's bag of tricks, the briefcase, the Negra. He says we recorded the conversation but when we went upstairs to talk about what really is the genesis of ABSCAM, what really got the ball rolling, we couldn't take the briefcase with us.

That sounds all right when you first hear it. When in casual clothes it might look a little untoward to carry a briefcase up on the top deck.

Who says you've got to carry a briefcase on the top deck. If the conversation went the way Amoroso said it went, why --and he intended to

bring it up -- why didn't he do it when he knew he could record it? You don't have a recording of that conversation. You don't know what Mayor Errichetti said. But you have the word of an FBI agent. And that always has the ring of truth, doesn't it?

College cops never commit any lies.

We ask each of you -- I beg your pardon, the Judge asked each of you before you earned the seat which you are sitting in a question on the Voir Dire examination: "Do you think because a fellow is a cop he is entitled to more belief than another witness?"

I don't recall your specific answers, but I know none of you would be in the seat you occupy if you said yes.

Because we knew in the beginning that -- these fellows (indicating) named me Burl Ives. That gets me to thinking. In a role he once played in a Tennessee Williams film, Cat On A Hot Tin Roof, he was Big Daddy and he would stalk around the mansion in the south and harp about mendacity, mendacity in the room, lying, perjury in the room. Did you think we didn't know what was

coming? You think we didn't know it was going to come from our FBI?

It's right here in the evidence. Skip ahead from the beginning of the case on the boat and know 302 and you've got to believe Tony down to the 23rd of January this year and you've got to believe Mel. Mr.Ben-Veniste covered that. About the two or three tapes then three or four and then four or five tapes missing. Critical tapes missing. And where they were stolen. How they were stolen.

Was there any report made of them? Doesn't it make sense applying the rule of probability? Doesn't it make sense that somebody in the jury room to tell the rest of you about the time he got something stolen from your baggage or lost a baggage in your travels? Where do you call? What do you do? Do you call the field office or home of your friend in Detroit where you just left? As they called the field office of the FBI? Or do you call the airline? These are part of our snippings.

Henry Furst laid a subpoena on National Airlines. And National Airlines wrote to the Court.

They didn't want to send anybody here like a Chevrolet dealer from Florida because we can't fly him up here. They sent a letter, 15 cents is all they needed from Florida. We don't know any Mel Weinberg. We found out a Mel Weinberg bought a ticket -- I read it to you -- for a flight on the 23rd of January from a travel agency but there has never been any claim with us about anything having been stolen.

Mr. Puccio didn't even object when I put that letter in. What does that tell you? What does that tell you as regards the rule of probability. It tells you to take a hard look at John Good's testimony for this reason, your FBI supervisor took the stand and said, "I conducted an investigation."

Now, the airlines doesn't know about it. And neither do you. Because he didn't do a report.

Do you think it was significant to the ABSCAM investigation if five or six tapes were lost? Or was it some sort of cover up? Was there something said in a conversation between Mel Weinberg and Howard Criden that no one was allowed to know about concerning that second meeting? The

game goes on, Howard, get hold of Ozzie, the goose is still laying. Do your act. God knows what is on those missing tapes.

I like what Mr. Ben-Veniste -- I smoke a cigar from time to time. You know I'm going to ask you to use your common sense. That fellow downstairs at the desk with the uniform on does not make you check your brains when you walk into the Courthouse.

I ask my daughter Jane, the almost pretty soon going to be a lawyer's daughter what I should tell the jury. She said: "Father, they're from New York," she said, "They got common sense."

All I am asking you to do is use it. Did John Good tell you the truth about the cigars or is it as we call in Philadelphia: specious phonous balonous.

Has your FBI told you -- I don't know whether Allen in this Court, when he administers the oath says tell the truth, the whole truth and nothing but the truth, we do that in Philadelphia. Have they told you the truth, the whole truth and nothing but the truth, or the rule of probabilities tells me so? They've got egg on their face because they

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realize that they were Mel's victims as well.

(Continued on next page.)

Another little kernel, Agent Best, to whom Lou Johanson confessed. Do you remember that? Sobbed out his story of guilt? I will have some things to say about that.

Best was asked a question by Mr. Ben-Veniste. When the scene went to Philadelphia -- boy, I wish I had blown this one up -- you didn't employ Mel Weinberg, didn't you? Do you know what Best's answer was? And if you don't believe me -- people don't believe lawyers and politicians -- get the transcript. I am paraphrasing, but I want to hit the key word. He said; We had no use for Mel Weinberg in Philadelphia.

Anybody remember that? "We had no use for Mel Weinberg in Philadelphia."

Now, let's play let's pretend, because you don't have the whole story. When I was a boy about this high (indicating) I used to listen to a radio show called "Let's Pretend." Let's Pretend, as John Good told you on the stand yesterday shortly after the meeting with Senator Williams, he listened to that tape and he told you that this man listened to the tape. This isn't the ordinary case, this runs from the courtroom in Pittsburgh

smack through, I don't know how much is known to all the people, smack through to the adjoining building, the organized crime strike force, Mr. Puccio's office. It can't be denied he was in on it early on. Good told you yesterday: I wasn't spinning my wheel when I asked did Mr. Puccio listen to the tapes -- John Good -- I almost lost my train of thought. John Good told us on the witness stand yesterday -- I got so excited about Mr. Puccio that I lost my train of thought. Give me a second.

(Pause.)

MR. DUFFY: It will come back to me. I just can't remember it. Let me go on to another subject, I am sure it will come back to me.

The meeting at the Barclay and the missing tapes. Why did we make such a big thing of tapes being missing? After all there were how many, 220 or thirty different tapes in this case? The only tapes we put before you with the experts were three or two. Why was it so important if those tapes were altered? Why was it so important something done to those and we didn't establish anything was done to the rest of the tapes? The reason is

Mel Weinberg testified under oath in Philadelphia and here. We got him to repeat the testimony here so that the testimony of our experts would be -- would have greater impact. He testified to two critical aspects of the making of the tapes. Aspect number one was that he recorded everything from beginning to end. You heard him say that. We confronted him with what he said in Philadelphia as well.

Aspect number two, was that he recorded every call. There my be some argument that he said every call that I could, I'm not sure, I don't want to talk about the calls when I could, for example, the ones that may have been made from a phone booth and there is no toll record and maybe he didn't have his pocket Nagra with him. But Mr. Brown's office put Mr. Duffy -- no relation, I never knew the man -- put Mr. Duffy on the case to track down the telephone billing. You will have the bills I think they are hardly legible, of the calls made between the phone registered to Weinberg and the phone registered to the Mayor representing conversations that they had. I don't think Mr. Ben-Veniste covered this. I think it's important

for you to remember, think about what Mr. Duffy said, you may have some notes on it, there were fifty-seven such calls. Fifty-seven such calls. I think he also said that six of those telephone calls occurred at a very critical time in these proceedings. That would be between -- I don't know. Some time in late July and end of August. Six of those calls, none of which was recorded.

I think I am getting my train of thought back. Good. Good and Mr. Puccio, it has come back to me. I knew if I talked long enough it would come back.

Good and Mr. Puccio listened to the Williams tape or someone does. I don't want to point to Mr. Puccio, he's not a witness, he's a prosecutor. But Good did because he told me and you he did yesterday or the day before, he listened to the Williams tape, and now we are back to the "Let's Pretend." I am arguing to you now by inference. If you don't make these inferences, flatly reject the argument but homogenize in your consideration the rule of probability tells me so. All right.

Good hears the Williams tape and hears Mel Weinberg tell Williams to put on an act to

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come on strong. It doesn't really matter, it's all bullshit, you will never see him again -- whatever is on there. You've got that transcript. Good scratches his head and says, we better talk about this. Maybe Good goes to a boss or two. We don't have any evidence of this, but there is something at the end to tie it up. I think these gaps -- no pun intended -- could be filled with inferences. Someone goes to Mel and says: Yo, Mel, don't do that any more. That is not the right way. Maybe even this nest of evil men had a decent one among them and said that is not proper, we should look for crooks. We shouldn't tell someone to put on an act that it doesn't matter.

What did Weinberg do? He likely doesn't know any crooked politicians -- inference; likely doesn't have one to whom he can turn and offer a bribe. This is in June. Remember that. That is critical. But he hears Lou is a City Councilman and former State Senator. He starts off by devious means. Remember he called the guys that borrow money DM, desperate men -- devious Mel -- starts off with Mayor Errichetti. It's like Tinkers to Evers to Chance.

Errichetti to Criden to Johanson. There is nothing, you don't do anything, no quid pro quo, nothing is required.

Did you see the movie The Sting? That is the hook. Mel threw out the hook. The hook is out. And they say, you will get your hotel casino and Lou takes the hook. Lou says if it's going to get the casino, I could talk to Ozzie. He's my friend. I backed the election, they had coffee,the next think you know Ozzie is going to help his friend Lou out and he has been told you don't have to do anything. Nothing about a private bill, immigration, none of that stuff. But the hook is now in. It's set.

How is Mel Weinberg going to perpetuate his scam? He can't call Mayor Errichetti and tape it. Because if he turns the tape in somebody is going to say, Mel, you're doing it again. So he doesn't tape it. So that you don't have the tape. So that we couldn't get the tapes in the discovery part. Williams was part of the Government's package and under the rules -- do you remember we went to great pain with the F.B.I.? There was a reason. I will just grab one here, 21-B. Here

is a tape in there, August 6, 1979. There is a whole history every time the tape moves it's logged. You see (indicating)? You can't destroy a paper trail. None of the good parts of the F.B.I., they keep paper trails and people like us can snoop.

If Mel started a paper trail he would be in trouble. The Williams thing got him in trouble. He either doesn't record or Mayor Errichetti brings something up in a conversation he's got to erase. I'm sorry, he's got to drop the machine. Listen to the tape Mr. Puccio played this morning, the one where I think it's Mayor Errichetti, the tape is of course not altered. The Mayor starts to speak in Arabic clicks, he said five and there is an interruption. We have to show you every tape or isn't an example enough? He stops taping. He alters tapes. And he still accomplished the same thing.

The greatest stroke of genius in the case was the South America bit. Ozzie wouldn't have to guess, Mel said I arranged for asylum in South America. He'll never have to come here, bring him in and promise World War III. Mel is still

hungry. They go further. There is a little bit of difficulty and I'm going to challenge you to study two transcripts when you are in the jury room. My argument to you is, they don't absolve Mel Weinberg at all, number one and number two, it really doesn't matter if all the rest is shown to you -- I'm talking about Mario Noto or Nopo. Okay?

The testimony from Ellis Cook, who told the truth, was as I recall it, number one, that Mr. Criden came to him and said, the Mayor and Weinberg have a thing going. There is twenty-five, $25,000 in it if we produce someone from immigration. We would like to -- we would like you to be that fellow. He told us that Lou Johanson vetoed it. Lou said that is going too far. To put on an act is one thing but to put on an act and not be the fellow who is supposed to be putting on the act is a little too much.

Mr. Criden comes back in a week and says the Mayor has been calling and the Mayor convinces Ellis Cook, Mel is in it, he's a friend, we don't have to have a meeting. The other guy is straight. A hope has to be sent to the Shiek. Just come down.

free money. $25,000. Stop there and turn to the tape.

What does Amoroso say at the outset of the tape? My name is Agent Anthony Amoroso, I'm putting $50,000 into these briefcases or envelope, whatever it was. I'm not going to harp on Hugo, except to say this, the October 3rd and 4th tapes and what happened in the room, do you remember? I hope it's in the transcript, if it is not, you say Duffy is specious phonus-bolonus, then ask for the tape because my recollection is when Amoroso gets up and calls the Mayor into the next room what does Mel Weinberg say to Ellis Cook? He said, I'm Mel Weinberg. I'm the Mayor's friend.

How do I know. The rule of probability tells me so. You can look at Ellis Cook through that three minutes and twenty-six seconds in which he's about as nervous as a long tailed cat in a room full of rocking chairs and nothing else counts on the tape but Mel Weinberg saying: "I am Mel Weinberg, I am the Mayor's friend."

He also said, if you recall, look, you're nervous, we are nervous, do you have any i.d. Mel was in a bind. Because Tony caught on. The

Government's testimony is Amoroso got a picture the day before and that is fine. Except he didn't bring the picture in. You have to believe your F.B.I. agents.

It's pretty tough undertaking to tell twelve or eighteen people, don't believe the F.B.I. but that is what it comes down to. If they had the picture in God's name why don't they solve the thing that exists with the Moto thing and bring the picture in.

Now, the invitation is for you to examine the two phone calls, transcripts, one between Mel and Errichetti, and one between Mel and Criden, and keep in mind that Mel wasn't recording all the calls.

(continued on next page.)

MR. DUFFY: (Continuing) I am not talking about these two calls not being complete. I don't care about that. Just ask yourselves, if he really says on this tape, I didn't know that you were going to bring an imposter, I wasn't in on it, I had no plan to share any of that money, I am not running any scam on the sheik, or is he really covering himself in the fashion of a con man by turning one against the other.

They refer to the fellow on those two tapes, as a ringer. Ask yourselves the question, no, I'm Irish, and I'm slow. I read the tapes. I read the transcripts. You read them and read them with this thought in mind; maybe John Duffy is right. Maybe Mel, on these tapes, is just trying to say to each of them, see, you don't have the other calls, to each of them, the other guy says the blunder was yours, as in you shouldn't have picked Ellis.

Take a look at those transcripts when you get out. Because, Mr. Puccio, if he didn't yet, he will later argue to you those two tapes prove to you that Mel wasn't in on it.

My position is that they really don't, if

you examine them. I said at the top that the stuff of tradgedy was in this courtroom. It came to a he head on February 2nd, Lou Johanson was brought into the office of the F.B.I., your F.B.I., in Philidelphia. You heard me examine Agent Bess. The Judge told you at the top of the case, I brought out from Best that he was a lawyer. The Judge told you, I think at the top of the case, that the questions lawyers ask are not evidence. Do you remember that? It's the answers that count.

In fact, when we got in the back row, everyone was patting Ray Brown on the back for a good question. He said, any dummy can ask a question, it's the answer that counts. The alleged confession from Lou Johanson, listen to the testimony and in God's name, recall my cross examination, because that's a buss order.

He said something about the question being whether Lou understood the ramifications of this kind of an influence peddling. I had to take him back to his report. I think his testimony on his direct examination was that Lou said he understood the ramifications of this type of influence peddling and he had had sleepless

nights because of last July, because of these dealings.

I started with him at the bottom, I said, did he have videotapes there in the F.B.I. that night? My God, wasn't he entitled to be on tape? Everybody else got on. Did you have videotape equipment there? Oh yes. Did you have maglers? Oh yes. Well, did you record for a future jury to see the alleged statement of Louie Johanson? No, Mr. Duffy, we forgot that.

I wish you would have been around that night. Think about that, too. Pick these fellows up at 5 o'clock on Saturday. That's when everybody gets picked up, 5 o'clock on Saturday. Common sense. Everybody knows where criminal lawyers are and what they're doing, drinking whiskey at 5 o'clock on Friday or Saturday.

So Louie doesn't have a lawyer, so he sits there and what they get out of him is not an answer, because I went to the report. We had a 302 there. And the report said, not Johanson said he understood -- Do you remember the agent said, he said to me he wanted to make telephonic

contact - - I said Louie said that. That's police language. Then I got him from his report and I said, wasn't that in fact what you wrote in your report, a question? It had, I have it memorized by heart, he was asked, Johanson was asked if he understood the ramifications of this kind of influence peddling. The next sentence was, he said that he had had sleepless nights since last July over these kinds of dealings.

Which leads me down to the end of my argument, ladies and gentlemen. These four fellows who are on trial for committing three Federal crimes. Not on trial as Mr. Ben-Veniste said, for being greedy, as I will say to you for being stupid, for maybe being sucked in by Mel Weinberg to dishonestly bilking a non-existent sheik of money. They are on trial for enumerated crimes that is set forth in statutes in the United States Criminal Code.

Whether Lou Johanson had sleepless nights over the dealings has nothing to do with whether Ozzie Meyers intended to violate the law. Maybe they weren't being - - maybe they weren't acting like the good nuns might have taught them. Maybe

5 Duffy - summation

they were, all of them, pretty stupid. Maybe they did get sucked in by Mel and I guess by Amoroso.

The question you have to decide is whether they violated these statutes. And that is going to be tough, because you come into the jury box filled with our own prejudices. I would be less than candid if I told you that I believe that none of you has a prejudice.

All I am going to ask you to do on Louie's behalf is to put it aside and to judge the case fairly and squarely on the evidence, and on the lack of evidence.

You do get to write the last chapter of the book, you do get to write the last line and maybe you get to write the title, instead of the Sting Man, you can turn it to Close, Mel, But No Cigar.

Find him not guilty.

THE COURT: Thank you, Mr. Duffy.

* * *

MR. CACHERIS: May it please the Court, fellow defense counsel, Mr. Puccio, when I first introduced myself to you some three weeks ago I told you that I was a stranger here in Brooklyn. I now feel like I was born here.

I appreciate the courtesies and attention that you have paid to this case because it is an important case. Ozzie Myers is a congressman. But just because he is a congressman, he does not forefeit the right to be tried by you on the same principles of law that govern every other human being. He is entitled to the presumption of innocence and he can require as the Court will instruct you that the Government prove its case beyond a reasonable doubt.

The presumption of innocence is an abiding one. At the end of the arguments of counsel, one of the important things that will be given to you will be the instructions of the Court, and I know you will pay attention.

Ozzie Myers is also a human being. He has displayed himself before you. Indeed his whole life has come before you. Had there been anything about him that wasn't right, you can bet that Mr.

Puccio would have brought it out. He told you about his humble beginnings, he was one of eight. He is the father of three. He is the son of a longshoreman, and he is a longshoreman himself.

He worked his way to being a congressman.

Now he is on trial. The Government's burden of proof is to establish that he took a bribe for the performance of an official act. It is their burden.

While you will be told that there are three counts in this indictment, I believe his Honor is going to explain to you that you should use the second count, the bribery count as your focal point. That is really the heart and soul of this case, and Mr. Myers' testimony on that is the heart and soul of his defense to that case.

It is not your function to determine whether Ozzie Myers is a good, bad or indifferent congressman. He was put in office by the voters of Philadelphia. That is their job to determine.

Whatever you may think about his ability as a congressman, you must put those aside and judge him on this indictment. The question before you is did he sell his office with a corrupt intent.

That is where the Government's case falls.

The indictment which you will be given is a road map. It is a specific charge that guides you in assessing all of the evidence to come before you.

Count two charges that money was accepted for the purpose of being influenced in official acts and that acceptance was corrupt for the influence in matters involving immigration and state department. That is what is charged.

The Court will tell you that there are four elements to bribery, to the bribery count and I will outline them briefly and remember the Court will give them to you more specifically.

The first element is Mr. Myers was a public official, and of course we do not dispute that.

The second is that money was paid and we do not dispute that.

The third is the criminal intent to be influenced through an official act and fourth that he did so corruptly, knowingly and wilfully.

We dispute that he had any criminal intent or that he intended at any time to be corrupt or sell his office.

How do you govern what his intent is?

The Court will tell you that words and actions may afford you some guidance to do that.

Mr. Puccio of course wants you to limit yourselves to what came over these television screens. I don't think you should do that.

You also have the real live person who appeared and testified before you and took these tapes head on.

Mr. Puccio wants you to limit yourselves to what came over this tube and not why people were there or what their motivations were. That is where we depart in this case, ladies and gentlemen, and that is what I think you should focus on. What did Mr. Myers tell you on the witness stand? I never was going to do anything. I was told I didn't have to do anything. I never did anything.

And while part of the Court's charge will tell you that the fact that he did nothing is not necessarily proof of no crime, you may consider it as proof that he had no intention to ever do anything.

That is what he said consistently. Those words have run throughout this courtroom. I never

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intended to do anything.

Now, Mr. Puccio in his rather vicious cross examination and his audacious, facile characterization of Mr. Myers as a liar, never, never established any proof that Mr. Myers intended to do anything. How did he get involved? How did he get involved in this affair?

He was minding his own business at his summer home when he was approached by an old friend. Was he told there was some scheme afoot?

He was told by Lou Johanson that I am about to get involved in a venture totally lawful involving some hotel, totally lawful whereby my law firm stands to make a lot of money.

In fact Johanson told him it was so appealing and so rewarding that he was contemplating retirement.

He asked Myers to help him.

He asked Myers to help him by going up and meeting this fictitious Shiek. Of course we can say rather initially now, looking back, he should not have gone, but he did go. He thought he was helping a friend and he perceived there was a chance to make some money for nothing.

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So he was told he would be given further instructions by Mayor Errichetti who was familiar with the situation.

On the day in question he went up to Kennedy Airport and indeed he was given further instructions and he has testified about them fully before you.

Mr. Puccio didn't like them and said, don't pay attention to what went on off camera.

But those words that went on off camera have a very familiar ring.

What did Mr. Myers tell you that Errichetti told him? He told him come on strong. They're going to discuss immigration. You remember seeing me on T.V. and act tough, talk tough. Don't worry about it, you won't have to do anything. You will probably never see them again.

Doesn't that have the ring of truth to when you examine the tapes that were played before you just this morning of a similar import?

Of course Mr. Myers never met Mel Weinberg before that day, but he was lying in wait for him on August 22nd because of the script and the scene were set before Ozzie Myers ever got there. On August 5th De Vito, an F.B.I. agent talking to

Errichetti on tape, Exhibit 1-A, speaking of Myers:

"He is going to have to, he is going to have to move through someone in the State Department."

Errichetti: "Who?

De Vito: "The Congressman.

Errichetti: He will do anything. He is going to be your F'ing man. He will do anything you want."

Weinberg: "All he has got to tell Yassir is when the time comes I will sponsor anything you want."

Is it so incredible that these are the same words that Errichetti told Ozzie Myers at the Pan Am Terminal before the meeting?

This is what he is given to say to Ozzie Myers.

Errichetti says: "He will say that."

Now, August 7, Exhibit 3-A, Mel Weinberg says, "This, when he meets Yassir, just tell him to come on strong."

This is not the Williams case. This is the Myers case.

"Well, he is going to have to give him a briefing."

Then he says: "I will give him", -- Weinberg says, "The stronger the better. Yassir probably won't even say a word to him. He is very conscious on how he speaks English."

Isn't that cynical? The man doesn't speak English, so he has got to come on even stronger for this charade.

And what is Mr. Myers talking about when he gets to the meeting of August 22nd: "He ought to learn English."

Who planted that on him?

Well, Weinberg through Mayor Errichetti.

So the script was written back then and delivered to Ozzie Myers to be repeated on television.

That is not all.

What else was Errichetti told to tell him to do so the T.V. production would be successful? On August 8, speaking of Myers, De Vito, the F.B.I. agent says: "He would have to introduce some kind of legislation, right, some kind of bill or something?"

Errichetti: "Whatever you say."

Now, skipping down, Weinberg says; "Yeah,

let him tell Yassir whatever he had to tell him."

That is on tape. Those are the instructions that were issued. That is the performance Ozzie Myers had to go through.

And so when he meets on August 22nd, before the videotape he is indeed given those instructions and he is told and he believes, he doesn't have to do anything.

He had been told by Johanson that that firm stood to make a fee by the mere introduction, and that they would in turn pay him and that is exactly what happened.

So when he goes in, the first words out of his mouth, according to the prepared script, are, how effective and good and functional a congressman he is and how he is very keen, and I am quoting, "with immigration matters."

(continued on next page.)

Why would he say immigration matters unless he had been prompted in advance and in accordance with the tapes I have just read to you?

Mr. DeVito to make sure the script moves along, he says, I am sure the Mayor has explained to you that fact that all this started down on the boat, all this started down on the boat.

The que words, the prompting, this is where is started, you recite the script, but you don't know that you are being video recorded.

You heard Mr. Myers tell you that his state of mind when he went to that meeting, and it's not disputed, was to follow that script, and he followed it faithfully to the extent of boasting and puffing about his influence. And that whole meeting involved itself with that.

At one point you recall he asked him about his State Department connections. And, of course, he had key people in the State Department. Unfortunately when they pressed him for a name he couldn't come up with one. But Errichetti bailed him out and he said, I got that taken care of.

When they discussed green cards, that was also taken care of. And that was the scenerio of

the scene that was played in New York.

In accordance with the question that you have before you, this one here, all this was about is that you wanted them to appear on video cameras, on tape for a future Jury which would depict people performing supposedly being chic, but actually you would say that he committed a crime. That's the whole purpose of that August 22nd. Brief him, give him a script and bring him in. And absolutely no evidence that Ozzie Myers had ever done anything like this in his life before. Because had there been, you would have been hearing about it, you would have heard about it.

(continued on next page)

2 followed by notes

After he left the meeting in accordance with his instructions the envelope was passed. And you heard later what happened in the law office. And at that point Mr. Myers is in effect discarded. No one calls him up and says, how about a letter. No one calls him up and says can you really do anything. No one does anything and he in turn does nothing. Because from this witness stand you heard it says, he did absolutely nothing in accordance with what his instructions were and what is intent was all along.

That was the end of it as far as he was concerned. Nothing was done. Thatis a factor you can consider on bearing whether he ever intended to do anything. Nothing was done.

The next event, ladies and gentlemen, that involves my client, and in the meantime, by the way, you have heard and seen the commode tape, the Noto tape, where a performance was given to El -- was given by Ellis Cook that just does not match up to the standards and is quickly exposed.

Let me talk about Ellis Cook for a second.

Mr. Puccio seemed to talk about him heavily. He said Ellis Cook did not know anything about play acting. Ellis Cook play acted himself. Ellis Cook told you that insofar as he was concerned, this was all blowing smoke.

Is that play acting, blowing smoke? No intent, never do anything, never have to do anything, never have to do anything.

So the mere performance of television does not prove any crime about Ozzie Myers; what his intent was when he got there is the important focus of your consideration, and that intend has been put befors you and put squarely in issue.

Mr. Puccio did not like his testimony. He has called him a liar, a rather vicious accusation. We dispute it.

Ozzie Myers said, I never have to do anything and I won't do anything and there is nothing that contradicts that. That is what the record stands on before you.

The reason Mr. Puccio doesn't like his testimony, because he knows that the law requires, although he didn't discuss it with you,

that Mr. Myers must have had a criminal intent to commit this offense, this offense, a specific intend to be corrupted.

And the fact that he had none defeats the government's case and that is why he doesn't like his testimony. He would prefer you concentrate your view on the staged performance out of Kennedy Airport. That is not what this case is all about.

In January of 1980 Weinberg calls Criden who calls Myers. And they bring him back on stage. A new TV producsion, WKRP in Philadelphia.

This time they don't want to discuss the same things. This time they want to discuss local issues. This time they have a little bar set up. This time they have FBI agents, prosecutors, planted in the same next room, peering through the screen, watching what is happening. And that whole place is wired for sound except of course for the telephones that the prosecutors are using to call instructions in to the sheik's representatives.

Mr. Puccio has criticism and doubts about

what is not on films and tapes. Ask yourselves why they didn't record the instructions that were given by the prosecutors to the interrogators in that room. Did they say get rid of him? Did they say press this issue? Did they say get him to say this? Did they say get him to say that? All of which I think we all should know.

But the only thing rhat they can remember is that it was getting light and get him out of there.

And so the script in Philadelphia is a little different.

By the way, you will be told by the court that you should consider what Mr. Myers did in Philadelphia on the screen as bearing on what his intent was back in August.

So what concepts were not thrown at him? City counsel, Ozzie said I can do that.

Zoning, I can do that.

Coal, I can do that.

Hotel, I can do that.

Poconos, I can do that.

Atlantic City, I can do that.

And so on down the line.

But realizing that something was amiss, because when they wanted to discuss breaking ground in a hotel in April, how could they do it when they didn't have the zoning completed yet?

And finally, the mafia.

Now they want you to believe that he brought it up. But they use that in the most sinister way, darkening this man's reputation before you. They knew this was all being recorded. And the only thing Ozzie Myers said about the mafia was, I don't go to Atlantic City because of the mafia.

Phone calls. And then Mr. Wald recites the script. The sheik he sees movies, the Godfather, he is paranoid, tells about the mafia. And Myers says there is no mafia problem, there is none.

They keep pusing and pressing. And finally as you heard from the witness stand, he told you since they wanted to hear about it, I told him about it.

So he mentions some names, names that you can get out of a newspape, Angelo Bruno, Chickie

Narducci and Skinny Razor, who if anything has happened in this case he has been buried in this courtroom four times.

Obviously they were trying to get him to discuss his connections with the mafia when he didn't have any, never had any.

But they push, they push, they push. They push on every single concept in that meeting, and he tells them that he can do it all. But he never had any intention of doing any of it. And he could not do any of it. And that is the state of mind that you must judge Ozzie Myers on.

The one thing that he is interested in, and it is legitimate, is the Port Authority in Philadelphia. That has nothing to do with his job or his office as a congressman.

Because of his job, his upbringing, his upraising, the Port of Philadelphia is important to him. And if he thinks there is anything legitimate about this deal that would help the Port of Philadelphia, he responds to it. And that is no crime. That is what was in his heart and soul.

They keep pressing him throughout this meeting for any conceivable thing; Schoolkill County, ou of the area. Every place you imagine they put it in.

Ladies and gentlemen, you heard him testify about that. You heard him take that tape almost line for line and tell you whaat he thought about it and why he said it and what was going through his mind.

Now, of course,he didn't have to take the drinks but they were very conveniently there. And there they were. And you saw him on television, you saw how his demeanor was, and as Mr. Puccio has told you, the nuances. You saw it for yourselves.

There will be another charge the court will give you and that will be called the gratuity charge. That has basically five elements. Apublic official who received money otherwise than provided by law for an official act to be performed knowingly and wilfully to violate the law.

That does not require the specific intent that the judge will charge you on under the

bribery statute. However, the intend under the gratuity must also be for the performance of an official act which he never intended to do. As far as he was concerned there was no official act to do, and he did not do anything.

Ladies and gentlemen, this case has been presented to you by video tape. Mr. Myers has come before you personally. I think you can judge for yourselves that the real Mr. Myers was the one that appeared before you on this witness stand, not the one that was play-acting in New York, having been given a script that eminated from Mel Weinberg; not the one that was in Philadelphia pretending a cure from all ills, but the one that was in this courtroom who told you, I never intended to do anything. I was told I would never have to do anything. And I never did anything. That was his intention. That was his state of mind. That is the rason the government has failed to prove this case beyond a reasonable doubt.

Mr. Ben-Veniste reminded you that Wald wanted to bypass the statue of Liberty that sits not far from here. I have been seeing it every morning

on my way to work. I now call this work and I call my room my home.

I don't think you should let the government bypass the Statue of Liberty. Your vote on this case has devastating consequences to Ozzie Myers.

On the evidence that has been put before you, he did not commit the crimes that are alleged in this indictment. Whatever else you may think of him he did not sell his office, he did not take a bribe, he had no intention of performing an official act, and he performed no official act.

I ask your intelligence to leave him to the voters of the City of Philadelphia.

THE COURT: Thank you, Mr. Cacheris.

* * *

EVENING SESSION

THE COURT: Bring in the Jury.

(The Jury enters the Courtroom.)

THE COURT: We will now hear from Mr. Brown representing the defendant Errichetti.

MR. BROWN: If I may, your Honor.

THE COURT: Proceed.

MR. BROWN: Your Honor, Judge Pratt, Mr. Puccio, gentlemen, ladies and gentlemen:

Good Evening.

You heard so much this evening about play acting and that sort of thing, I suppose you know our defense is really routed in Shakespere. You heard the quotation that all the world is a stage and all the men and women are players, their exits and their entrances, and one man plays many parts. And I suppose you know which man we are really talking about.

But more seriously I think I should perhaps try to identify the man whom Mr. Puccio refers to as the Mayor and Senator from New Jersey, Mr. Errichetti. Before you he is just that, Mr. Errichetti, because you know by now, I hope, that there is no charge with respect to him about any misuse of his office, either

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his office as a Mayor of Camden or as the Senator, a Senator from the State of New Jersey. The charge against him is that he allegedly entered into a conspiracy with Messrs. Johanson and Criden in order to effectuate Congressman Myers violation of his Congressional responsibility. And in another part of the indictment you will find where they talk about money, there is no allegation that he received or took any money, but that in those counts he aided and abetted.

Now I will not try to tell you what those legal terms mean. Believe me, words like aiding and abetting, words like conspiracy are words of art that have a special meaning in the law. And you know by now who is supreme and final authority in this Courtroom. If you don't, I do. And from him alone, of course, the law comes, and in due time during the course of the charge.

So please don't think that I am trying to tell you what the law is, but I am trying to put my client's position in this trial in perspective.

You heard a great deal, particularly on the tapes, especially the tapes of January 24th, 25th, and certainly the tape of August 22nd, which talks about many things in the context of that encounter.

And you might believe that other things are involved rather than the charge that the Congressman violated his oath in terms of other things than naturalization. That is not so.

I may, with your Honor's permission, in order to establish that perspective I will refer to the indictment and not in any authoritative way, but rather in a sense that it was voted by the Grand Jury I think as an outline of the charges.

You know, of course, that it is no proof whatsoever, but it is the form and manner by which a citizen of the United States is told what the charges are so that he may react to them.

The language which is essential and which defines what I am talking about is found after many of the descriptions which out line the gravamen of the Government's claim that they have a right to the faithful and honest service of the defendant Myers as a member of Congress in relation to matters before the House of Representatives and so forth. And then it talks about the offenses it is alleged my client and others conspired to bring about. And that is to agree to receive a sum of money for the defendant Myers and other persons in return for the

defendant Myers being influenced in his performance of official acts.

And in another charging part it points out that the issue is whether or not that interference would be as follows: In return for his assurances that he would introduce private immigration bills to enable a foreign businessman to remain in the United States and would take such other action as would be necessary to achieve that end.

I tell you this in part, and these are phrases taken out, they are not in total from the indictment. So that it may be clearly understood or as clearly as I can make it understood that the charge here deals only with the immigration matters, not with any violation by my client of his official duties, not with any other violation of prospective acts by the Congressman other than the immigration and the State Department reference.

Now, I opened to you in a rather unusual manner, I thought. I told you this was the first stage of trials in a new electronic age. And I think that you have seen that that is to some extent if not completely, justified. It may have sounded to you a bit presumptuous.

I may have also talked about some obscenities there are throughout the transcripts and for which I don't believe I have a need to apologize because, as you know, they are part of the warf and woof of the fabric of this case.

I said to you that this case is bullshit. That, too, has become a word of definition in this case, very seriously. Although it is considered profanity by some people and by others just a social comment. And in the course of my summation if his Honor permits, I shall play a sequence of the tapes, some of which you have already heard leading up to the noto incident, because I believe that if you were to merely see the electronic marvels as they portrayed the scenes that were carefully selected and put together, we would all be R2 D2's and we would have a computerized Jury.

I don't know if you know what R2 D2 is. I didn't know until I stumbled over my grandson's toy. It's a little thing from Star Wars that wobbles around and always knows where it is going and making the proper sounds.

I rather think that if we were to only consider the tapes and the electronic displays and the

fireworks in this case we would have completely forgotten that there are human beings on trial and to be judged by human beings.

I only differ from Mr. Puccio with respect to your function in this sense. He says there is no special grace which a Jury has. It merely uses it's common sense and experience.

I agree that you must use your common sense and experience, but we all know that in the course of our travels and our entrances and exits, we do many things which we know are quite beyond us in the ordinary sense.

For example, you have sat here for days being exposed to individuals and language and equipment and attitudes and words which you would not commonly encounter in a mere three weeks of your life. And for that reason you have been steadily honed and qued in to what it is all about.

For example, if you were to just now walk in that door and see the meeting of August 22nd on the television sets, that's what you would see. You wouls see an envelope and you would say, my God, that's it, this is an attrocity. Why is there a trial?

But there is a great human story here. And that's why I believe when his Honor charges you he will talk about something called intent. With respect to bribery he will put it in one frame work. I think he will say you must have a specific intent. And I think in terms of another lesser included offense he will say there is a different kind of intent. But always the words that are so significant and so meaningful to everyone here, knowledge, knowing, wilful, act. That's the human equation in this case.

Actually within a few short weeks, within a few short weeks there was innauguration of the events, the introduction of the concept, the development of the -- I've been so used to having Judge Pratt say you better not use "script" I just swollowed that word and I will say account of events as it developed.

You know on television you see lawyers doing amazing things, but I don't think many have had the discipline you have seen in this Court. You do what Judge Pratt lets you do and that's it. And the framework, of course, is our tradition, that believe it or not lawyers are a disciplined class.

For example, I had some Army service, but I don't remember working 16 or 18 hours a day and meeting the commanding officer 8:00 o'clock at night. This is just our way of life.

But as this theme developed, the players exited and entered. For example, I wonder if you have noticed -- and I'm sure you have -- that after August 22nd the gentleman who played so many parts exits and is never heard from again. I wonder why. I wonder why. I wonder why in a very real sense. Because there is a question that I think must be answered in this case in the sense of all of our American experience.

I don't dare and I shall not attempt to say whether the FBI's performance was appropriate, inappropriate, proper or improper. But as you saw these gentlemen come and sit in the witness box, and as you appraised them, did you ever wonder why they needed Mr. Weinberg?

Riddle me this: If a Congressman is to be bribed, is there really a need for 182 pages of colloquy as on the 24th of January incident with Congressman Myers where there are thrusts and paries and counterthrusts, or will you do this or give me

a reason. Well, is there anything specific? Well, tell me when. 180 pages. No money passed that second incident. By the way, you certainly heard Mr. Weinberg say that after September Mr. Errichetti was no longer in the ambit or within the scope of this particular ABSCAM adventure.

So literally as of the 24th, the 25th, and so forth of January, Mr. Errichetti was not there.

I think you will learn that those events after August 22nd had no direct bearing on the innocence or guilt of the Congressman because they were not to the heart of this indictment and not direct proof.

You will find, ladies and gentlemen, that his Honor allowed that to come in again to go to that very human issue, intent, knowledge and voluntary act.

The dates are fascinating. July 26th is the day when there was a group on a boat in Florida, the Left Hand, I believe it was called.

July 25th is the day that Mr. Amoroso conceived the scheme. Time passed and then on August 22nd there was a meeting which you know about so well. And then on September 19th Mr. Noto walked

into the trap which apparently list it's ability to spring.

Now, I know there are many references to that incident and suggest that it is collateral. But it is just as important as a meeting of the 24th if we are to evaluate what those who are here charged thought and what they did, and indeed what those who work for the Government thought and did. Because without the knowledge, without the intent, ladies and gentlemen, I believe you will hear and beyond that proof and beyond a reasonable doubt there can be no conviction under law, without the knowledge, without the intent.

Now I want you to understand that when I say intent I do not mean to tell you the law as Judge Pratt will tell you because there will be two versions of that. But there must always be knowledge and a willingness to do an official act that will violate the Congressman's oath. There must be those elements.

How do we arrive at that? We arrive it by the acts which surround the events, which give you the guidelines and the ability to judge. Because without these acts and with that cold picture you-

don't know what the intent, the knowledge, the purpose was. It is just impossible. It's like watching a television serial and having it end just as the husband comes home and finds his wife in someone's embrace. You have to wait until next week to find out that she stumbled and fell. And really it comes very close to precisely that kind of evaluation of human nature.

Now, Mr. Amoroso, of course, is the gentleman who succeeded Mr. McCarthy as the Director, the immediate supervisor of Mr. Weinberg. And Mr. Weinberg, of course, is very frank about some things, and I think his frankness and his candor will guide you to the understanding that the defendants had no intention, no wilful purpose in breaking the law.

For example, there was much debate about using the words "actor", and restrictions. And yet Mr. Amoroso says we follow at page 1032.

"Question: Well, is it true then that you did in the course of this operation act out of your true self and in a sense be an actor or a character?"

And the answer is yes.

I would think that would end the debate, but I suppose since one plays many parts it will not end

the debate.

But I recall, for example, one very interesting fact in this case which must intrigue you. For example, I shall play some tapes later, but I shall play them in a much more full sense as you have heard them from the prosecution. For example, one of the very critical tapes is a tape that deals with the statement that 15 has to come back. I think perhaps you remember that one.

Well, I will find that particular tape for you later, and I hope that you will listen and pick it out when it is played. But let's have an understanding as to what that $15 back was about.

Starting from January 26th, as you know, Mr. Amoroso had conceived the idea, and as you also know he on the Left Hand had a Nagra tape running in a little suitcase, it is here somewhere, but I am sure you remember it.

Then he went up to that side and there he reports a very crucial conversation. He reports that because he has read on the 25th about Mr. Somoza in the Newspaper he conceived the idea about throwing outthe bait,and I will show you where he says precisely that. Take my word for it at the

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moment, if you will. To throw out the bait hoping someone would bite so that he could proceed with a man to try to invagle some Congressman to do an official act which would allow him to offer money, and so forth.

(continued on next page)

I know some of you may look at this as oratory, but I will show you the precise language in a moment.

Then the days roll by and on August 5, there is a tape played for you, it is Exhibit 1-A. I will ask you if you would turn to 1-A, please.

Now, you will notice August 5th, Northwest Airlines lounge, Kennedy International Airport. And on the first page there are references by Mr. Weinberg cryptically to getting older. I don't know what preceded that. And, of course, you will judge later on whether parts of the tape were left out or whether there was something about the transmissions that caused them to be left out or whether it was deliberate. That will be your judgment ultimately.

But I submit to you any cassette that starts by getting older is a cryptic tape. If you were to receive a tape from anybody and the first thing he said was getting older, you would wonder, well, what is he talking about.

Then on the second page we see other language which is pertinent to the present discussion.

Mr. Errichetti, ae, says, and before I

forget there is, um, fifteen coming back. All right. And then laughter.

There it hangs unconnected until one remembers that Mr. Weinberg testified as to how that fits into things on page 2286.

When I call the numbers, it's for the benefit of the stenographer and for Mr. Puccio if he dares-- if he cares to look at the transcript.

"Question: Mr. Weinberg, directing your attention to the Myers matter.

Was there any discussion with anyone concerning you or Amoroso receiving a part of the $50,000?

And this is the $50,000, of course, that is concerned with the meeting of the 22nd. And it is prior to the meeting of the 22nd now. The meeting is being set up.

"Answer: Yes, at the meeting at the airport Amoroso told me to meet the Mayor and ask for a ten to fifteen thousand dollar kickback.

"Mr. Ben-Veniste: May I have that? I didn't hear it.

"Mr. Puccio: Answer the question again.

"Mr. Ben-Veniste: I would rather have

the reporter read it.

"Answer: Kickback of ten to fifteen thousand, that he needed money.

"Question: Did you in fact meet with the Mayor before the airport meeting on the 5th of August and ask him that?

"Answer: I met him downstairs on the main lobby and asked for -- tell him you needed money, we would like to get $15,000 kickback."

And, of course, this is Weinberg's testimony. Now, of course, that's the connection. Our actor, Mr. Weinberg, has said, "Tony and I want $1,5000 kickback."

Now, what you read and heard, this is a transmission of August 5th. And you read and heard the words, the laugh and fifteen coming back, ha ha, you will say that's a brazen chap, fifteen coming back and he laughs about it.

It is Weinberg who wants the fifteen. It is Amoroso, he says, who wants it. And that's why in this indictment you don't find one dime attributed to my client.

Now, as you sit in that jury box I ask you to consider this. If indeed that is so -- and

apparently it is -- and if indeed as I assure you it is so, Mr. Puccio brought that out from Mr. Weinberg on his redirect. How can one say that Weinberg did not hold himself out as a direct participant in what we will show you is also referred to by other actors as the charade, as the trap.

Now, when I say trap, believe me I am not saying to you that here is the gestapo, that our F.B.I. has sunk to new lows. I tell you nothing of that. I talk only about the human interaction. And I suggest to you that perhaps if I had not read that in that fashion you will read this and say Errichetti is asking for $15,000 just like that. It is not so.

But why, how can he come to that point unless Weinberg and Amoroso had encouraged precisely that and insisted on that and so set it up, that there was no intention for the congressman to violate his oath and do any official act, but indeed, but indeed there was this concept of a projection of the idea that Mr. Weinberg was no longer loyal to his employer, the Shiek, and was out to get money in this game.

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Well, if that isn't a play or an act, I would ask you what it is. Because I do not infer and I don't wish to infer and I will not infer that Mr. Weinberg was pocketing this kind of money, no way. Although I was shocked to find that Mr. Amoroso didn't have to sign for this money, no receipt for this money and that Mr. Good, who seems to be in sense the whipping boy of this whole case, was responsible for that money.

I have no proof and no right to suggest that the F.B.I. was stealing any money or Mr. Weinberg under these circumstances stole any money. But I do suggest to you this, that the only testimony in this case that relates to what happened after a congressman left that room on the 22nd was that on the same floor he turned an envelope over to Mr. Errichetti, forty feet away from the room where they had all been. That's the physical situation insofar as any proof in this case is concerned.

Now, if indeed there was the insistence we want $15,000 back, I ask you to rack your brains and try to find out if there was any testimony in

here if indeed there was $15,000 given back to Mr. Weinberg and Amoroso for Government purposes, not to steal it, I have no right to suggest that. But again this is a game, and of course, the Congressman is not expected to do any official acts.

You know, of course, there was nothing done. There was no execution, agreement or not, there was nothing ever done.

You know, of course, from August to January, August being the August 22nd meeting that by everyone's testimony the players left the stage and went their way and absolutely nothing happened until there was a phone call in January according to the tapes, according to the testimony from Mr. Criden to Mr. Myers, which caused him to come back again into the stage play. But if there was no intent to violate his oath and do an official act, and if indeed this was the kind of thing that was set up, then I suggest to you that there can be no guilt of the violation under this charge in this Federal Court of the crimes charged. Now let us explore some more of the human conditions, if you will, because I think some of these words

as I bring them back to you may very well prove a reminder to you.

In addition to the play acting which caused Weinberg to say to Mr. Errichetti, we want $15,000, which is reflected in another sense in the August 5th statement, this is what Mr. Weinberg says.

2292 is the page.

"Question: The second conversation you mentioned where you say that -- next conversation you say Mr. Errichetti talled out Mr. Amoroso, do you recall when that took place?

"Answer: Right after the payoff to Congressman Myers."

Now, apparently the reasonable inference is right after the payoff and Errichetti went back and said to Amoroso, you only think of yourself. You don't think of Mel.

Well, in terms of the human condition, what does that mean? Does that mean that Errichetti is conniving to take money under false pretenses or to do other than they tell him to do? And I'm not suggesting to you that he became an agent of the United States, but he was certainly following the directions of a special agent and a special

employee.

There is much said here about the fact that there is an expression that has been repeated and repeated ad nauseum. I know you are sick of hearing it, but forgive me. It's like using bullshit, the word is there and the phrase is there.

Come on strong, and there have been many explanations about that.

Page 2293.

"Answer: Yes, your Honor."

Let me get the question, which will be 2292. And they were talking about the purpose in telling Errichetti or someone else to come on strong.

"Question: The second conversation you mentioned where you say that -- next conversation you say Mr. Errichetti balled out Mr. Amoroso, do you recall when that took place?

"Answer: Right after the payoff to Congressman Myers.

"Question: Now, on one or another of the transcripts, Mr. Weinberg, you used the phrase: 'come on strong', do you recall that?

"Answer: I do.

"Question: Can you tell us what your purpose was in telling Mayor Errichetti or anyone else to have someone come on strong?"

There were objections.

"Answer: The purpose, we didn't want to get in a situation like we got into once --"

I objected and the Court said,"Can you tell us without referring to other situations that may have occurred that are not involved in this trial what your purpose was in telling someone to come on strong?

"Answer: Yes, your Honor. Tell them to come on strong that we get -- we knew that the man was taking the $50,000, tell us what he was going to do.

"Question: The public official?

"Answer: The public official.

"Question: And you know, did you not, that Mr. Errichetti or someone was going to speak to the public official before the meeting?

"Answer: That is correct.

"Question: Now, do you have any idea or can you approximate for us, how many telephone conversations you recorded during the course of

this entire investigation?

"Answer: I think it runs close to a thousand."

I want you to put that in the back of your mind, if you will, close to a thousand conversations in the course of this entire investigation. And I suspect that as to this particular indictment it wasn't that many, and it was certainly hundreds. And we shall refer to that later on.

But to go back to the point is that here Weinberg admits that he knew that Errichetti would speak to the public official and tell them to say what they thought he would say.

But the problem with that is this: If you will examine with me, please, 5-A, which is the August 22nd meeting at Travel Lodge International Hotel at Kennedy Airport, you will find interesting things there.

For example, you will find that Mr. Amoroso in the legend says that placed in front of me is $50,000 in $100 denominations, ten packages in all, placing them in an envelope, I am not sealing the envelope, placing the envelope in a briefcase to my immediate right.

I think if you remember that T.V. scene you will notice that indeed he does lick it and then doesn't seal it.

Well, $15,000 coming back. Maybe that was part of the technique.

Then they go on to talk about the congressman from Philly and there are pages and pages and pages. And on page 3 there is a reference there that relates to something that you have heard many times as well. You have heard, of course, that Mr. Weinberg said, don't worry about a thing because the gentleman from abroad is not coming here anyway, he is going to South America.

And if you read there where Myers says absolutely, where I can be of assistance in this type of matter, first of all is private bills that can be introduced. Now, when you, when you are coming from a third world nation, and you have no political support in this country, unless somebody is in saying you don't need, hum, you wouldn't introduce a bill to protect your interests if you had to go in exile somewhere. Now, what you need is the influence to have that done. And then there is more language.

Now, this is clearly a reference to the fact that no private bill ever be introduced. However, I must say this to you, that in dealing with the question of intent, the impossibility of introducing the bill, and you will hear from his Honor, I believe is not the point. The point I want to make is that for thirty pages there, and please place it open for a moment, for thirty pages there is conversation back and forth, which never comes to a head as far as any official act being done. It is the old, old story of a kind of fencing act which reflects what Mr. Amoroso said.

He said, look, don't continue to ask me about a script. I really don't have a written script. I kind of played it by ear.

And look it, it looks it. The only problem with it is that it misses the mark. This man wants to take $50,000, ladies and gentlemen, it would take five minutes to say, intorduce the bill, will you introduce the bill.

Yes.

Here is $50,000.

Walk out and turn the cameras off.

We wasted more electricity in this particular incident.

Now, if you go on you come to the point where on page 7 Mr. Errichetti says, well, there is no case at this point.

Mr. De Vito, Mr. Amoroso says, that's in the middle, if you please, on page 7. Well, yeah, what we are saying is we are insuring that when, when.

Mr. Myers says, when the time comes, if it comes.

Again I must tell you, because it will be unfair to mislead you that mere impossibility if the thing never happens is not a defense in this case. If you hear his Honor charge you will find that just because it didn't happen and, however, in assessing the fact that there was an intent to really do the official act, in one instance the bribery, a corrupt motive, and the second instance, with full knowledge that you were really going to do it as opposed to a misunderstanding or a crossing of ideas, that I believe you will be told you can consider.

(continued on next page.)

And if I misstate this you must know that I am only allowed to give you certain elements of the law so I may talk to you in a framework. I have no authority. What I say to you is not in any sense what you must accept. I give it to you in the framework of this lawsuit because otherwise you will have no anchor, no boundaries.

One of the fascinating things about it is, and I want to call your attention to another page on page 29 or 30. And you will have these books with you and so I am sure you know you will feel free to study them.

There is a phrase that rings, like come on strong, bullshit and others which become critical words.

Page 30 is the page where Mr. Weinberg says, this is all within the 5-a, if you please. I assume everybody has 5-a. On page 30, if you be so good, there is a sentence which again is one of the phrases you have heard again many, many times ad nauseum but it is so significant I think you can pick it out.

Now Weinberg says, we got like the goose that lays the golden egg. We all like to make a

buck.

Now, go back to August 5, when they say to him, we want fifteen back. And tie this in with, we got the goose, we all like to make a buck. Is there any way in the human condition that you cannot then believe that Mel Weinberg is saying, look, nothing is to happen here, no official acts, nothing. Walk in, we will rip off the millionaire, or whoever he may be and that's it. No official act, nothing is extended. Come on in, we will rip it off.

Now, in the sense the Government wants you to accept it as a finished and complete and very sophisticated, I think we call it a sting operation, I think you must consider whether in fact it's true or whether this was an amateurish event and whether there were misunderstandings in all parts and no meeting of the mind and no design to do what is called a violation of a congressman's oath to do an official act contrary to the public.

One of the things I talked about Congressman Myers is this: And I do it with the permission of his counsel because this is a conspiracy, and

in a very real sense, in a very real sense. That which effects Congressman Myers effects Mr. Errichetti. I think you will be told if you find this was a misunderstanding, it was not a situation where there was a knowledgeable intent to do wrong and that Congressman Myers never had the knowledge and will to do it, I think you will hear from his Honor that you must acquit all. And that's why you will hear me talk about Congressman Myers because there is no question but that Mr. Errichetti, who took no money and is not charged with taking any money even, no suggestion that he did, has a fate which is tied in inextricably with Mr. Myers.

My people have an old spiritual that says that sometimes I feel like a motherless child. And that's Errichetti. He is a long way from home because Myers, Myers, that's all we hear. Read the indictment. It's the congressman, it's the congressman's act.

Well, if you lump them altogether you have to consider what the total ideas are and what happened. And that's why this tube is an abomination because it represents to be the full and complete

truth and it can never be, not ever. Just as one man's pulse may be meaningless in another or one woman's feelings at certain times is curious and individual to her so that in this courtroom I know I need not plead for you, with you in this fashion. But because it is so serious I do, that you please consider the human condition.

And we are all actors, and Mr. Weinberg, too. And bless his conning heart, he is just as human and just as subject and just as entitled to decent consideration as any.

But in this particular endeavor I will ask you to riddle again, why did the F.B.I. need a Mel Weinstein -- Weinberg, I beg your pardon-- in order to carry out a so-called sting to get a congressman? Why? He had to be there for a reason.

The only reason he could be there is because he was a con man and the only reason his con was good is because they had to give this idea, this is all a con, he is disloyal to this employer and nothing is happening there and stumbles in, oh boy.

When Myers stumbles in it's not a crime unless he has the knowledge and has the intent. Perhaps

so sophisticated and complicated is this celebrated king that has book contracts, movie contracts, God knows what, because it's sensational, because it's unusual. They may have overlooked the simple problem that simple is best and simple works. It's like having one of those fancy English cars. It's beautiful to see and will do 180 and runs about twice a month.

This is not a horse and buggy. This is a space aged design to eliminate common sense. If you were placed in control or a supervisor capacity, I ask you to ask yourselves, would you not on the assignment of a celebrated con man want to know something about him so you would know how to relate to him?

On page 953 Mr. Ben-Veniste's cross examination of Mr. Amoroso.

"Question: Did you ever ask Mr. Weinberg what is all of this now about all this criminal activity that you had been involved in in the 60's or 70's?

"Answer: No.

"Question: Never did?

"Answer: No.

"Question: Isn't it fair to say that you don't want to know?

"Answer: I don't care. It has nothing to do with this case."

Well, ladies and gentlemen, that's like petting a polar bear. He is beautiful, he is statuesque, but you better know what you are doing.

In this instance the very fact that Mr. Amoroso says that he didn't care indicates that there was no control and that what happened here was indeed a space age venture tumbling in orbit.

Let's examine further what has been said because the trial has been long and you no doubt have heard that restrictions on the use of the word "script". But let's read what Mr. Amoroso replies to the gentlest of our counsel, Mr. Cacheris.

Page 981.

"Question: In fact, when you used the name Tony De Vito, you were acting?

"Answer: Correct.

"Question: When you said you were working for a Shiek, you were acting?

"Answer: Yes.

"Question: So when Mr. Myers came in, you had a script that you were following, didn't you?

"Answer; Well not a script, just -- just how I felt the thing was going.

"Question: You didn't have any idea what you were going to ask him?

"Answer: Basically I knew what I wanted from him.

"Question: That's correct. You knew what you wanted from him?

"Answer: Correct.

"Question: And so that you asked him about the introduction of private bills, didn't you?

"Answer: Correct.

"Question: And that's what your suggestion was, wasn't it?

"Answer: Offhand, I have to look at the transcripts.

"Question: You don't have any doubt about it, do you, sir?

"Answer: I don't know who brought it up. That is what I was referring to."

So you see, with respect to private bills, he said, "I don't know who brought it up."

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"Question: That's what you were referring to. And you also asked him about the State Department; you brought that up?

"Answer: Correct.

"Question: Isn't that correct?

"Answer: Sure.

"Question: And that was part of your script, wasn't it?

"Answer: Correct.

"Question: And you also asked him if he knew any key people in the State Department, didn't you?

"Answer: I don't know if I mentioned any key people. I just mentioned the State Department, I think.

"Question: You brought up the State Department?

"Answer: Yes. I said I just mentioned the State Department."

I read this to you to give you the flavor of what had happened, that these people stumbled through this tragedy.

Page 984, again Mr. Amoroso being questioned by Mr. Cacheris.

"Question: And didn't you say to Mr. Errichetti, 'He'd have to introduce some kind of legislation, right, some kind of bill or something'?

"Answer: Correct.

"Question: And didn't Errichetti say, 'Whatever you say'?

"Answer: Correct, that's what he said.

"Question: And didn't Weinberg say, skipping on down, 'Yes, let him tell Yassir whatever he had to tell him'?

"Answer: That was the conversation, yes.

"Question: Is that right?

"Answer: Yes.

"Question: That was what you subsequently wanted to get on T.V.?"

And the answer is, "Correct."

(continued on next page.)

You may say, well, we have heard these things before and indeed we have. But I do not believe that you heard them quite in the context of which I am presenting them to you.

Now, we heard about, for example, the earlier incidents, just to leave this for a moment and to go to something I believe less intense. At the beginning of all this you now know, I believe it was early in '78 and about December of '78 Mr. McCloud, Mr. Mc Carthy first got in touch with my client. And you heard them talk about the Port of Camden and that sort of thing.

But more fascinating is the fact that Margo Kennedy and all the Kennedy references who one witness refers to as things he heard about, that is to say Mr. Weinberg, and to which Mr. Mc Carthy disavowed, nonetheless seem to be a fact in this case.

As a matter of fact, I will read you and you have your books and I will call it to your attention soon the fact that there were many congressman and senators mentioned and apparently there was no wish, no wish to enforce the law

without distinction. And some of these thirgs just never were paid any attention to.

I suggest when you consider that Errichetti was paying the bills for the hotel where Mr. Mc Cloud and Margo according to one story were in the same room and he sneaked down the back stairs, according to Mr. Mc Carthy were never really in room, but Mr. Mc Carthy was very interesting. He said that's the only suite they had.

Well, that's the style of ABSCAM. You don't sleep in ordinary rooms. It's suites and yachts and planes. But doesn't that suggest something about the inexact, the looseness, the bumbling of it all, and much of it exasperated and to the extreme you bring in a Weinberg.

Why a Weinberg? If there are congressmen that are going to be bribed, called them in and offer them '50,000. And somebody suggested an abominable idea, why not get those who have already committed a crime rather than create it?

But I am sure that that answer and that question anathema to the people in ABSCAM.

Now, I mentioned before about the money. I am going to document everything I say. It is

sworn testimony.

I mentioned the curious things that Amoroso didn't have to account for the money.

Petty cash in the cafeteria has to be accounted for by the cashier.

But on page 994 the question was asked about, about the money. Page 993, my cross examination.

"Question: Did you make a note in a 302 about obtaining the money and what you did with it and what happened to it?

"Answer: Did I make a notation?

"Question: Yes.

"Answer: No.

"Question: You were not responsible as an agent to make a precise report as to what happened with the money that is turned over to you?

"Answer: What I did when I received it, I counted it and then I placed it in that envelope.

"Question: Do you sign out for that money or do they just give it to you?

"Answer: No. Another agent probably signed for it.

"Question: What agent would probably have signed?

"Answer: I have no idea. That would be the responsibility of Mr. Good.

"Question: But as far as you were concerned the money would not be accounted for in writing or in any receipt of any kind?

"Answer: Not by me. By someone.

"Question: I am asking as far as you were concerned, you would not have accounted for the money by a writing or a receipt of any kind?

"Answer: No."

I am suggesting if the con were so wide open that you are selling the goose that laid the golden egg, which you didn't account for the money, if you said, give me $15,000 back and left an envelope and walk out of the room, how can you, the jury, decide that these involved culpable acts by these defendants?

Proof beyond a reasonable doubt is not invented for this trial. It means quite simply that when a Government brings the charge they don't prove by tipping the scale. They prove by much more than that. And his Honor will give

you the definition.

If there is a lack of proof the defendants are entitled to an acquittal. If there is a lack of proof that does not allow you to reach a decision that rises to that great of height of proof beyond a reasonable doubt, you find them not guilty on that phrase, on that phrase. That phrase is one that is sometimes misleading.

The Skotch have a different phrase which I think explains it better. When a Scotch jury acquits, tney say not proved. Because the word sometimes unfortunately convey to a juror when I say not guilty I am saying completely innocent, exonerated, go forth and do it again.

That is not so. You sit as judges and you must be as stern as Judge Pratt. And I will bet my life that if his mortal enemy was in front of him and if that evidence did not rise to proof beyond a reasonable doubt he would say, not proved. And that's your model. And that's what the law requires and that's why I say you have a special grace.

We are not ordinary human beings this night and tomorrow until this over. We are not

ordinary humans because we have to be above ourselves.

Do you think that at this hour of the night, and you know how long we have been here, and you know how long we were here last night and the night before and the night before, that I feel like doing what I have to do?

Well, I will die trying to do it because there is a special grace and there has to be the special courage that says not proved if it is not.

And when a Weinberg is needed by the F.B.I. to trick and trap, ladies and gentlemen, I say you must be so critical in your estimation of that fine body that you have to say they tried something new, they tried it in a bumbling and inexact way, and there is no proof that this man said, I will violate my oath. There is not one scintilla of evidence to that effect. And read in your book these two enormous meetings, and you will find that. It is 180 pages, the second meeting. Thirty pages the first meeting. The final page we have a goose, let's pluck him.

One of the analogies to what has to be done here, I think is found sometimes in taking

examinations. Examinations frequently don't pass anything. Examinations are frequently not gaited to the individual. It doesn't measure their respective opportunity to education. It doesn't respect their cultural differences, where I may speak Swahili and someone else speaks German. But flunk the exam and you are a failure and you have to know in your heart that you are not a failure because it wasn't fit for you, it wasn't designed for you, it didn't add up to the truth. And that's what the test is in this case.

It is a common thing on a job to have a supervisor say, why did you do such and such, and you turn to the person over you and he says he told me not to do it. And that person shrugs his shoulders and you have had it because unless you examine the background and go into the reasons for what you did, then the mere act for your not having done it leaves you guilty, you don't have a chance to explain. If you don't have a chance to describe it, you have had it. And that's what is true in this case. I heard it said about Mr. Cook that he told us the truth, but that he never said anything about a charade.

Well, let us see. On page 1298, Noto.

In a few minutes after I have set the stage, I am going to play the tapes and I want you to listen to them in the prospective I have tried to impart to you. But this is on Noto. That's the business of the immigration man.

(continued on next page.)

On page 1298, and the questions are of Mr. Cook, the honest man.

"Question: You knew from the beginning it was a total charade?

"Answer: Yes, sir.

"Question: And it was your understanding that Mr. Weinberg was aware of the fact that you were not indeed Mario Noto?

"Answer: Yes, sir.

"Question: When he sat and talked to you did he give you any indication that he was aware of the fact that you weren't Mario Noto except for your age?

"Answer: No, sir.

"Question: And he was the one who remained with you?

"Answer: Yes, sir.

"Question: That person we were referring to was offscreen?

"Answer: Yes, sir.

"Question: You watched the play here on the screen?

"Answer: Yes, sir.

"Question: He was off screen, wasn't he?

"Answer: Yes, sir.

"Question: Now, what was he doing? Can you tell us physically, was he standing, sitting, was he giving you any signals or anything?

"Answer: He was sitting in a chair talking to me.

"Question: Just talking to you straight?

"Answer: Yes, sir.

"Question: And did he tell you that there would be any consequences of your not being the Mario Noto in question, the difference in age?

"Answer: No, sir.

"Question: Did he say anything to you about the fact that your purpose was to come there to put on this act?

"Answer: I never talked to him other than on the tapes.

"Question: That's all.

"Answer: Yes, sir."

And then what did he then say?

A 1300. Remember now, this is the Noto situation. Mr. Amoroso has called Mr. Errichetti outside and in the room sit Weinberg and Mr. Cook. And this is the language. And Judge this, if you

will.

"Question: Can you tell us what Mr. Weinberg said to you?

"Answer: He said he is sure we can work this out, get it all straightened out, that Tony is just afraid that you are not whom you say you are.

"Question: He never said, "Look, you are not Noto, you have tried to pull a game on us. He never said that to you, did he?

"Answer: No.

"Question: In fact, he had said it's going to be okay, we will work it out; is that right?

"Answer: Yes, sir.

"Question: Was that in keeping with the concepts given you that he knew all about it and was going along with it?

"Answer: Yes, sir."

Now, what does that language mean in terms of Noto to you?

I would suggest to you that a reasonable interpretation is that in this situation where he is known to be an imposter, and Weinberg says that everything is going to be all right, don't worry

about it, that it suggests that Weinberg knew all about it and was in on it. That's a very reasonable deduction which can be drawn.

And there are many other such words here which lead inevitably to that deduction.

Now, on page 1305 they talk about the Casino matter.

You remember on July 26th on the trip to Fort Lauderdale in the boat, it was by Mr. Johanson, Mr. Criden and Mr. Errichetti in terms of a casino matter which was described as legitimate and in fact Amoroso said it was. And down they went with their maps and their feasibility studies and their dreams of four million dollars.

Cook knew about it. And now Mr. Honest Cook testified for the Government.

"Question: And you also testified that it was your understanding that Tony and Mel, the representatives and the employees of the Shiek were themselves to receive some money in the casino matter; is that right?

"Answer: They indicated they wanted a part of it, yes, sir.

"Question: It was your understanding, was

it not, that the Shiek was going to supply the money for the casino venture?

"Answer: Yes, sir.

"Question: And the money transaction was to be negotiated for the Shiek by Tony and Mel; is that right?

"Answer: Yes, sir."

And Mr. Puccio then asked if he thought it proper, and so forth.

Now, from the very beginning it will appear, and I suggest you have a right to accept it as fact or reject it, that from the very beginning Tony and Mel were going to share.

Now, if they were going to share the money and if they gave this impression from the beginning, why isn't it absolutely plausible and reasonable that Errichetti the congressman there is no official act contemplated, there is nothing to it?

Reasonable? I submit to you it is.

Now, I want to just give you a few other matters to put this entire matter in prospective because I think it's the only way to really explain it.

You do recall an interesting thing about the business of the $50,000. Noto was only supposed to get twenty-five. It's just a note as you look at the film and remark how that worked out.

Excuse me just a moment. In the document before you that refreshes your recollection, may I ask you if it is not a fact when Mr. Weinberg reported the name to you he allegedly got it from Mr. Errichetti that it was Hopo and he was the Commissioner of Immigration.

Enough for Mr. Cook because I think it suggests to you that the honest Mr. Cook gave some very honest answers and they might not have been as condusive to some of the ideas that Mr. Puccio wanted them, but there they are.

Now, one or two more references to Mr. Amoroso before we play the tapes that I have referred to.

We talk again about the acting performances and he said they were correct.

And with respect to that activity which came later, about an hour elapsed between the time you had the money, that's the 22nd and the time you went through the prologue, which is the

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sealing and the not sealing of the envelope and the time of the actual activities, would that be correct?

And in that interim who was in the room, Weinberg and Good. What happened to the money?

But this is more precisely to the point.

And is it not so that as a result of this idea that formed in your mind on the 25th you then projected this idea on the 26th and advanced it, right?

Correct.

And you advanced it for the purpose of advising somebody to respond; is that right?

Correct.

And you advanced it specifically for the purpose of inducing Errichetti to respond, is that right?

Yes.

Now that you baited the trap with the idea, that's a correct statement, is it not?

Yes.

You expected my client to bite?

It could be, yes.

That would be the purpose of your doing it,

I would assume.

Again a part of a design.

I will tell you what he thought he did to my client. Let's read what he said on page 1042. We are referring to Weinberg, and he says as follows:

"Question: And he conned everybody but you, is that right?

"Answer: I can be conned just like everybody else.

"Question: Did he con you?

"Answer: I don't think so.

He conned everybody else though.

"Question: By everybody else whom do you mean? Let's take my client. He conned my client, didn't he?

"Answer: I would say so.

"Question: He conned him in a superb fashion; is that right?

"Answer: Yes, I would think so."

Now, I don't know how you react to that, but that to me is something which goes to state of mind. If a person is subject to being conned or convinced or persuaded by what Mr. Weinberg

describes as a mixture of the truth and fiction, whom are we to blame? The victim that is conned?

Well, that's what you're being asked to do. You are being asked to convict Mr. Errichetti by proof beyond a reasonable doubt that through this entire enterprise when Mr. Amoroso says that he was superbly conned that he, the victim, should pay the price.

Well, that is so contrary to a sense of justice that I ask you to consider that as a theme running through this entire matter. And these are not my words and it is not just rhetoric. It is that which has been adduced from Mr. Amoroso's mouth himself.

Now, Mr. Cook. Let's go again to the 22nd, Congressman Myers, the key event. A question by Mr. Puccio to his witness, the honest Mr. Cook.

"Question: Now, Mr. Cook, were you ever told anything by anyone about a script that Congressman Myers would have to read for the Shiek's representatives?

"Answer: No.

"Question: Were you ever told by anyone that at the August 22nd meeting, Congressman Myers would

put on an act for the Shiek's representative?

"Answer: What I was told is: He had to meet with Mayor Errichetti beforehand where they would prepare him for what he would have to say and then he would meet.

"Question: Were you ever told that he would put on an act and say things he really didn't mean, were you ever told that?

"Answer: No, sir."

Now, if Mr. Cook, the honest man, the witness produced by the Government, says that he was told that Myers had to meet with Errichetti beforehand, where they would prepare him; and then let us take that honest man and believe him. You were asked to believe everything he said, why not that?

Now, with respect to the events that led up to and through the 22nd of August, starting in June, June 16th.

Mr. Furst, if you will.

Starting June 16th you have in the back of your books T-1 through 11, and I ask you to turn to that, please.

Now I will give you a brief rundown

on that and bring you right up to August, while Mr. Furst prepares to play the tapes for you.

Please don't put your earphones on yet, please.

On June 16th you will see that Mayor Errichetti on the phone says, you know what we got to do with Pete.

This is in part. I am just giving you a running sequence so that they fall into line.

Mel says to Errichetti, Eric, give me the proper speech that Mel gives you. June 28th, fitting in the sequence, is what I call the bullshit on stage command performance, but please you will hear it and you will read it so that you will be able to judge rather than my giving you a conclusion.

(Continued on next page.)

July 29th. July 29th, by the way, I shall return to because it is one of those tapes made by the so-called dropped cassette, which Professor Weiss says was never dropped but stopped and started, and part was left out by the Government in our estimation, but in that you will find the key expression that the naturalization guy is key one. So as early as July 29th the naturalization guy was a part of the scenario.

August 15th you will find there is a conversation about the wet and dry closing. And everybody who closes a house, you know you go through the rehersal, and that's a dry run when you rehearse it and the wet one when you finally close.

September 2nd, there is a telephone call referring to Immigration.

September 5 refers to green cards and my guy Errichetti.

September 12th, Errichetti doesn't know his game and Fester Detorintini(ph), and somebody called him Tetrizini(ph), but that's an Italian dish.

September 14th, Mr. Noto.

And on the 18th, Errichetti tells of the preparations on the 19th and then there is the video

tape of Mario Noto.

The point we are making is that in the middle of this is August 22nd.

So the conversation throughout deals with the business of the con, the business of the false appearance. Because when you see the No Po view once more, you will know, you will know in the first place that it was a con, and in the second place that Mr. No Po could never have violated the law, or Mr. Cook. And that's exactly what happened on the 22nd meeting.

The dates are extremely important to our concepts of the case. And I want to apologize to you for the length of my address to you. And I would do it in a quicker and shorter time if I knew how. I assure you of that. I know you are tired and I know after a meal it will be much more pleasant to have beer, slippers and t.v. than an old man trying to talk to you about lines in a book. But please forgive me. We all know how serious it is, I am sure.

Would you run it, please.

The first one is a telephone call, June 16th, please. I'm sorry, I was drinking water and

didn't hear it. I beg your pardon. It's June 20th, which is a telephone call.

(Whereupon tape recording referred to is played.)

MR. BROWN: The next date is June 28th, which I opened to you and which is so prominant, which deals with the on-stage and most expensive t.v. star ever paid and the language in those instances is Mr. Weinberg.

There is a second page on June 20th that was not played and we will play it later.

We are now going to Exhibit T-3.

(Whereupon, tape recording referred to is played.)

MR. BROWN: That's the end of that particular tape. And it's June 28th, two months from the August meeting. And we will go on with the next tape, but I want to ask you when the leopard changes his spots, the Government wants to say to you that in June Mel Weinberg was a different man than in August. Although I read to you where Cook said he had Errichetti to prepare. I read to you where he is doing a supurb con. But the Government says to you, well, that was in June. Another thing.

When would Mel Weinberg change his technique I asked you? The answer has to be never, because this is his life, this is his way, this is his personality. This is an actor with many parts and the same technique, within the same technique.

The reason this is important is because you will see there is a reference to the immigration official, Mr. Noto, ultimately; and thatdoesn't come to September 19th, but it's all part of the same relationship and additude with people, the same attempt for people to do which according to Mr. Weinberg in his curious and convoluted and complex mind was designed to bring you in and say he is a party to it, there is nothing to it, nothing is going to happen.

Why did the FBI need this space better technology? And the FBI has my respect as I know it has yours. But why this, why this?

And they would say to you that the Weinberg giving this bullshit directions in June was not the Weinberg involved in August, August 22nd, or September 19th, where there was a complete farce.

But remember this, just remember this; if he could change his spots and be a different man

in July then he was in June, and a differnet man in August than he was in June, then perhaps in the human relationship you might say it. But this is where the special grace comes in. In addition to your experience, in addition to your common sense, you have to apply to the sense of whether Meyers actually was totally conned and didn't intend to violate his act and had no desire to have knowledge of that kind of action or not.

Now, we will go on to the next tape which is right in sequence where again you will hear the references to the naturalization guy who was the key one. Remember, this is July 29th and Noto doesn't come in until September 19th.

Would you play it please, T-4?

(Whereupon, tape recording referred to is played.)

(Continued on next page.)

(The tape thereupon continued to play)

(Tape playing completed)

MR. BROWN: Now, I would call to your attention before I ask Mr. Furst to play the next tape, but in the sequence, and this is July 29th, and that you mark that date in your mind or down because I will come back to it later, to the tapes, and the time, the length of the telephone conversation. And you will recall when Mr. Duffy talked about these things, and I would like to have the thing fixed in your mind. Now the next tape, T-5 would be August 15th, but we know that in the interim between July 29th and August 15th there were other tapes.

So would you turn in your books please -- remember we are going from July 29th now to 2-A, which is August -- there is one just before 2-A if you please, August 5th. I think it is 1-A. If you will start with 1-A, and remember we just heard on July 29th about the naturalization guys, the key one.

You are reading August 5, I think. You will notice on August 5 that there are references to the naturalization. And I would call your attention, if I may, to several references which show the

continuing relationship.

On the first page Weinberg says "He can get Senator Talmadge."

And Errichetti says, "I'm working on that so far, okay, Congressman Ozzie Meyers, okay?"

And that is the 15 coming back tape I called your attention to.

And down that page it is "Lederer" and "...haven't gotten to that point yet, okay." And "... two Congressmen from Georgia."

And then down towards the bottom Angelo Errichetti says "... there's gonna be two congressmen from Florida being set up to talk to... in fact they were approached, ... they have to meet with me on time, place, logistics... what I expect them to do... friendship, they've gotta say and what they've gotta prove, guarantees, you know, whatever they say. Haven't met them yet."

Then you go over to the next, and as you read it, you find references to this State Department, and Congress, and Mel Weinberg saying, "All he's got is to tell Yassir is that ah when the time comes... I will sponsor anything you want."

And that was that August 5th.

Now, the 29th would be next. And that again refers to Congressman Meyers. And August 2 is next. And on the third page of that there is a reference to Yassir, this is when he meets Yassir, that just to tell him to come on strong. Well, he's going to give him a briefing. The stronger the better. And Yassir probably won't even say a word to him because he is very conscious how he speaks English. And then we will go from there to August -- we are on August 7th -- and then we go to August 8th.

And there again dealing with Congressman Meyers, push it as fast as possible. All right. What is it, Meyers, Congressman. He is ready willing and able tomorrow morning. He called me.

De Vito: You have to introduce some kind of legislation.

Whatever you say.

Tell him.

And then of course he says yeah, let him tell Yassir whatever he has to tell him. Now, that is still the theme. And the leopard has not changed his spots.

Now, if you go back to T-5, which is August 15th, the wet and dry closing.

(Tape played)

MR. BROWN: There you heard the words "script." And "wet and dry closing."

The leopard has not changed his spots.

We are coming right up to August 22nd. Now the August 22nd tape is quite long, of course. You have seen it and I won't play that. But you will notice that there has already been a reference to the Immigration official.

We have come through from the June 28th, which is the on-stage command performance. July 29th, the same thing. Naturalization guy is the key, and right on through August 8th, "tell him what to say."

And right on up to August 15th "wet and dry closing."

Now we will go right by August 22nd deliberately because you have seen it and can put it in perspective, I am sure, to T-6, which is September 2nd.

Now remember this is a continuing relationship.

THE COURT: Mr. Brown?

MR. BROWN: Yes, your Honor.

THE COURT: The 90 minutes that you had requested has expired.

MR. BROWN: Will you give me a grace of 15?

THE COURT: You have got it.

MR. BROWN: Thank you.

Will you run it please, sir?

(Tape played)

MR. BROWN: And now we will go to the next tape, which is T-7, September 5. This too refers to "green cards" and "my guy".

We are progressing towards September 19th.

(Tape played.)

MR. BROWN: That was T-7.

The next will be T-8, September 12th, a telephone call when he tells him who the investigator Torrentine is, to relate it to Nobo.

(Tape played)

MR. BROWN: Thank you.

The next is T-9, telephone, where you will see the name referred to. I call your attention to the fact that the name ultimately agreed on was Mario Noto. If you listen to this you will see and you will find the difference which would have been if

Mr. Weinberg weren't in on the scam, certainly.

I believe about eleven minutes, your Honor. Is that in accord with yours?

(Tape played)

MR. BROWN: The next will be T-10 on which we will have the final preparation for the Noto meeting on the 19th.

(Tape played)

MR. BROWN: These are the two men still in the same relationship they had in June. Indeed in May. Indeed before that.

And the reason we know that is that Mr. Weinberg made certainly hundreds -- literally hundreds of calls to Mr. Errichetti, and many of them not taped, and many for reasons which he explained as his being in other areas and unable to do the taping.

Now, I don't intend to quarrel with that, but I would like to call to your attention that there is in evidence Exhibit U, which you all have, and it shows, in summation, that there were 71 calls made totalling 227 minutes, or three hours and 47 minutes in that year that were made by Mr. Weinberg.

Now, prior to August 22nd there were four

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calls totalling ten minutes where he made his kind of calls and apparently he didn't make contact, or for other reasons did not recall it.

Now, the importance of that is this, that in the con technique that Mr. Weinberg talks about, this was an important element, and this continued right from May and June, right on to August, and right on through September.

And no spots changed on that leopard.

Page 2202: "Q Right after Noto you sort of cut off from Errichetti, is that correct?

"A That is correct.

"Q For eight months prior you talked to him?

"A Yes.

"Q How many phone calls do you reckon you made to Mr. Errichetti?

"A I have no idea.

"Q Many?

"A Many.

"Q Would this be consistent with the theme of a confidence man, which was to stay right on the sucker?

"A Keep in touch.

"Q At all times?

"A At all times.

"Q Why was this a cardinal principal of a con man's -- "

I withdrew it.

"Q You have stated that this is a cardinal principal of being a successful con man, staying on the mark?

"A Keep in touch.

"Q Constantly?

"A That is correct.

"Q Why would you want to keep in touch constantly? So he doesn't get away?

"A That is correct."

Now, there is one observation here by Mr. Weinberg that I think has to excite your consideration of the very demands on your judgment that I talked to you about.

It goes to the question of intent and weighing words.

2218:

"Q And you do know that within that same time period that you were soliciting Mr. Errichetti to get Meyers, the Noto thing was going on, the

Scam within the Scam?

"A That's correct. "

That is the answer. That is what I have tried to demonstrate to you.

"Q And you didn't know to this day whether or not Mr. Meyers, who came in within the same sense as the Noto thing, intended to do anything that he said he was going to do; is that right? "

And his answer:

"A I do not know."

You were not there. How would you be able to say that he intends to do the wrong thing.

And the next question --and I really believe that from this con man skilled in the use of words and in his relationships with people we have a touch-stone.

"Q So the words that he employed are words, but the intent to carry them out is something you didn't know to this day; isn't that right?

"A That's correct."

Now, there is no proof in this case that would support a finding beyond a reasonable doubt that Mr. Meyers intended to carry out this crime and offense, or that Mr. Errichetti did.

I do not cite Mr. Weinberg as an authority, believe me. I cannot in one sense call him a con man and criticize him, and in another sense exult his wisdom. But I do suggest to you that when Minnesota Fats gets on a pool table, you know he knows what to do with a cue.

And when Weinberg brings people in and uses words, he knows how to evaluate them because that is his specialty.

"Q So the words that he employed are words but the intent to carry them out is something you didn't know to this day; is that right?

"A That's correct."

Now, there is one last area I would like to call to your attention, and that is the area of Weinberg the con man, the man who wants what he can get from others.

Mr. Di Lorenzo testified here, and the young lady named Deborah Procacci. Their testimony was backed by a very impressive Special Agent, except that he also confirmed the purchases of the items, and that in effect everything was true. A gentleman came in from Florida to say that in June Mr. Weinberg traded in a brown van, though he said he put the

gifts in a brown van most of them before June, but he did say in late summer he put some in a brown van.

He did say it was a brown van used by Abdul Enterprises.

Now, I'm not going to quarrel about a van or no van. But I submit to you this, that a man who would turn in three $6,000 watches is not the same man who would ask for a microwave and dishes, and three 27-inch Sonys for the board of directors of Abdul.

This is a different man. And this is a person who knows how to play the game. The reason the gifts would be important is because first he denies them absolutely, and second, that it shows a continuing relationship, the con of Errichetti, who to his never-ending regret considered this man a friend, because they were in a sense confederates. They combined together for the Noto scam, for the Meyers scam, and for the other scams that you heard referred to where he used the now so important words.

Ladies and gentlemen, I've been privileged by his Honor to go even beyond the allotted time. But I would like to leave with you just a sense of

appreciation.

I can tell you sincerely, and you can bet if I didn't mean it I wouldn't tell you, that you have undoubtedly given the kind of attention to this case that every lawyer in this room -- and for once I will speak for Mr. Puccio, because he expressed his appreciation with your attention -- it has been incredible.

There is one complaint I make, and you must take this very seriously, I am concerned because you are so inscrutable that as we sit and watch you we know that you by design have made every effort to remain neutral and open-minded as you have been told by his Honor until after all these addresses, however tedious, however onerous, however the repetitive they are, and until His Honor gives the charge.

Following me later will come Mr. Puccio in what is called the rebuttal.

I haven't deliberately been this long to make it impossible for him to have a most attentive audience. But I hope it works out that way.

But having watched you I know that is not possible because you will make every effort. And I know you will give to him exactly the same

consideration that you have so graciously given me. He is entitled to it. And please, please, do just that. I have a deep appreciation for Mr. Puccio and Mr. Sharf as professional antagonists.

But they ceratinly are -- while they represent one side in this lawsuit, not enemies, and as I say, I do believe that in this room there has been a desperate sweaty search for truth.

And I know when you wrestle with these items in evidence, and wrestle with the charge, and try to put it altogether, there will only be one thought in your mind, and that is to do justice no matter how it comes out.

That you'll not let sympathy interfere from my defendant. I do not ask it. I ask only that you apply rigorously the law. I ask you to remember that presumption of innocence until his Honor tells you it is time to deliberate.

I ask you to remember proof beyond a reasonable doubt above all else because nowhere else in the world is a man given a trial where he is presumed innocent, and where the requirement is a strict and religous adherence to the idea that if the Government had not proved it beyond a reasonable

doubt, whatever your believe, whatever your speculation, whatever your thoughts, you must find not proved and dismiss these charges.

Again, I want to thank you.

THE COURT: Thank you Mr. Brown.

MR. BROWN: Thank you for the extention , your Honor.

THE COURT: We will take a short recess and then we will continue.

(The jury thereupon retired from the court-room at 9:30 o'clock P.M.)

(Continued next page)

THE COURT: Mr. Puccio, how long do you need for your rebuttal?

MR. PUCCIO: Judge, I would say a half hour, possibly 45 minutes. I won't go longer than that.

THE COURT: All right. Bring in the jury.

MR. PUCCIO: Maybe less.

(The jury is in the box.)

THE COURT: All right, Mr. Puccio, you may proceed.

MR. PUCCIO: Thank you, your Honor.

Your Honor, Judge Pratt, defense counsel, ladies and gentlemen. It's astonishing to believe we started the proceedings about nine o'clock in the morning and here we are ten o'clock in the evening.

I realize that the hour is late and I have spoken to you at length before, prior to your listening to the summations of various counsel for the defense.

Ladies and gentlemen, I tried this morning to marshal the evidence for you, and to chronologically review with you the tapes and the testimony that you've heard over the last couple of weeks.

At this point, I won't do that again, but what I would like to do is discuss certain questions that were raised by Mr. Brown, Mr. Cacheris, Mr. Ben-Veniste,

and Mr. Duffy, and suggest to you answers to the questions they raised which are somewhat different.

Again, the arguments made by counsel, the arguments made by me, are based upon inferences we asked you to draw from the evidence. If I draw any inferences which you do not wish to draw or cannot draw or think don't make any sense, reject them.

I don't plan to go into every single argument that has been raised in the last six or seven hours or we would be here for a couple of days more.

I plan to answer certain arguments, the others I submit to you the answers are contained in the record of this case.

I think there are certain general questions, general issues, that are raised here that need answering at the outset.

One thing struck me as I listened to Mr. Brown and others, phrases like "inveigled the Congressman," "push the Congressman." The inference that someone is doing something that he does not want to do. "Coach the Congressman. Entice the Congressman. Trap the Congressman."

Ladies and gentlemen, do you really believe that people really do what they don't want to do?

Do you really believe that a United States Congressman took $50,000 in an envelope in a motel in New York City a little more than a year ago when he really didn't want to do it?

Do you really believe what you saw on the videotape was an act portrayed by an actor who was coached by a con man?

What is a con? That is a word that has been bandied about and has come up several times during defense counsels' closing arguments. What is a con? What does it mean in the context of this case?

Surely if I were to walk outside this building tomorrow morning with a loaded gun and walk into the First National City Bank and put the gun to the teller's head and say "Give me the money," and all of a sudden the teller reveals himself to be an FBI agent and I was placed under arrest and the building was surrounded -- I would have been conned.

I would have attempted to commit a crime in a place where I suspected no law enforcement present. I would have been duped into dealing with a teller who is really an FBI agent.

What happened here? Was this a con? As Amoroso said, "Sure Errichetti was conned."

I submit to you Myers was conned in this sense, Errichetti was conned, Criden was conned, Johanson was conned. They were conned by -- they believed that the corrupt businessmen with whom they dealt, the corrupt businessmen to whom Congressman Myers sold his office -- they believed that those people were corrut businessmen. What they didn't know is they were dealing with an FBI agent.

So they surely were conned. As Mr. Brown puts it, are they victims? Certainly not. Victims of what, victims of the fact that your government, the FBI, was too diligent? Victims of the fact a technique was used here? A technique that resulted in giving you definitive uncontroverted evidence of a bribe taken by a United States Congressman?

Perhaps one of the complaints, as Mr. Duffy put it, is that the FBI isn't out chasing bank robbers, or one would see very clearly, that these defendants would feel much better off if the FBI were out chasing bank robbers and not politicians.

Now, you've heard a lot about Mel Weinberg. And you've heard a lot about the FBI. Ladies and gentlemen, Mel Weinberg, for all his human frailties, as it was put, is not on trial in this case.

Ladies and gentlemen, the FBI is not on trial in this case.

Ladies and gentlemen, the Government of the United States is not on trial in this case. The people on trial in this case are seated right here (indicating).

Now, why was Weinberg needed? Mr. Brown asked that question. Mr. Good testified to you yesterday he had been working with the FBI a number of years and conducted many investigations. Many undercover investigations. And he told you in his opinion informants such as Mel Weinberg are essential.

You heard the tapes. You heard the conversations that Mr. Weinberg had with Mr. Errichetti. Did it strike you in listening to those tapes that Mr. Weinberg and Mr. Errichetti did not have a relationship that gained confidence for the undercover operation?

Didn't it strike you that Mr. Weinberg and Mr. Errichetti were able to speak one another's language, perhaps not as well as Mr. Amoroso would be able to speak that language.

When you start to delve into the evidence of this case: you have videotapes of what happened, so you are told, don't pay any attention to the videotapes,

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it's what is not on the tapes that counts.

As Mr. Brown put it, if a man comes home and finds his wife in the arms of another man, maybe that is not what it seems to be, she fell into the position. You can believe that Congressman Myers stumbled into that room and took that $50,000 by accident, but I suggest you are stretching the limits of your imagination.

What about Mr. Weinberg and all these tapes? You've seen stacks and stacks of tapes in this courtroom.

MR. BROWN: I object. That is one of the techniques, to have stacks that are not in evidence.

I object to that. He pointed to the stack.

MR. PUCCIO: I will make reference to the testimony that there were thousands of tapes made.

MR. BROWN: Not in this case.

THE COURT: Your objection is overruled. The tapes have been here primarily for the convenience of the defendants. They have called upon them from time to time to have them produced.

MR. BROWN: Only those that are relevant. Many are not.

THE COURT: It has been made apparent how many

tapes were made in the case. Whether downstairs, upstairs, or here, I don't see any significance whatsoever.

MR. BROWN: If they are in evidence, but they are not.

THE COURT: The tapes that are in evidence are marked as exhibits. The fact of the existence of other tapes is also in evidence properly before the Court and jury.

Objection overruled.

MR. PUCCIO: Ladies and gentlemen, you've heard testimony that hundreds and hundreds of tapes were made during the so-called Abscam investigation. You've seen tapes, hours and hours of tapes, that have been heard. You've seen tapes displayed in the courtroom. What is missing?

Well, we hear testimony that three tapes were lost and we hear testimony that 50 seconds or one minute and 50 seconds was missing from another tape. All to suggest to you that somehow something is being kept from you.

We are told for instance that the agent who poured the drinks at the Barclay Hotel was never subpoenaed by the Government when he could have been

subpoenaed by anyone from either side.

Do you believe that Mr. Weinberg, if you deem the absence of those three tapes that were stolen on an airplane, is so important -- do you believe Mr. Weinberg would suggest to the FBI or anyone else that his tapes were stolen on a plane flight when he could have said he never made the recordings?

You had evidence of toll records from Mr. Weinberg's telephone indicating certain calls were not recorded. Doesn't it make sense to you if Mr. Weinberg wished to deceive anybody, couldn't he have gone to an outside phone and made a call that there wouldn't be any record of?

You are told by the absence of this evidence it means something. I submit to you that the absence of these insignificant pieces is meant to distract your attention from the substantial amount of evidence on the critical issue of the tapes that you've seen on the TV and heard through the audio recordings.

Now, you've heard about this conversation that Mr. Weinberg had with a Senator who was not involved in this case. I mentioned it to you this morning. You heard it again. It was played by Mr. Brown during his closing argument.

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I ask you to think about that for a moment. You don't know all the facts of that case, you heard very little. But do you believe that Mel Weinberg could get a United States Senator or anyone to do something that he really didn't want to do?

Do you think Mel Weinberg is capable of that? Do you think anyone is capable of that? "Stress the influence you have, Senator, to get contracts." What does that say to you? Does that indicate to you that Mel Weinberg is capable of getting a United States Senator or any other public official to do something that he didn't want to do? This matter wasn't pursued because it's not part of this case.

I submit to you, it's taken out of context but to follow it up a little bit, if the United States Senator walked into a room and told someone he was willing to sell his office, do you think it's Mel Weinberg that got him to do that? Do you think that happens in the real world? Do you think men of power, men of position, men of influence, are going to let Mel Weinberg coach them and tell them what to do? Turn them into actors? Does that make sense to you?

I submit to you, it is ridiculous, ladies and gentlemen, and you saw when you observed Congressman

Myers. Congressman Myers wasn't handed a script. It wasn't a play in which he was portraying a role or playing a part. He said things because he meant them. He said things to get the money. He sold his office for $50,000.

9/2 Very interesting, this is all a play. It's all a stage, all make-believe. And Mr. Johanson tells the FBI that he had many sleepless nights since it all began.

Why couldn't Mr., Johanson, why couldn't Congressman Johanson, sleep, ladies and gentlemen? Why couldn't he sleep? He couldn't sleep because he had sold himself.

MR. DUFFY: Objection.

THE COURT: Overruled.

MR. DUFFY: It's not in evidence. No claim of that here.

THE COURT: Overruled.

MR. PUCCIO: You've heard an argument astonishingly that Mr. Kirlinski never received any money. The acting coach himself did it for free. Do you believe that?

What about Mr. Cook? Back at the Criden law firm in Philadelphia, sitting there with Mr. Criden

talking about how it's all split up. Do you think that Mr. Errichetti showed up at the hotel room for nothing?

$15,000. Let it not confuse you, $15,000 coming back. On the tape I played to you this morning, it was explained by Mr. Weinberg, it was a device to get Mr. Errichetti's conversation and find out who else was involved. The undercover people struck a bargain with Mr. Errichetti, pretended to be friendly with Mr. Errichetti, to find out who else was involved. Only the figure was cut from 100 to 50, so there was no 15 coming back.

I won't play it, but if you listen to the tape after the Congressman leaves, you'll hear about the fact there was money that was to come back when the figure was higher.

Mr. Ben-Veniste played to you -- he showed you a picture of Mel Weinberg standing on this screen with a cigar in his mouth. And it is so indicative of what you've heard from the defense counsel. He showed you the scene, pointing you to Mr. Weinberg after the Congressman left the screen with the cash.

In other words, you are to believe what is important is Mel Weinberg with a cigar in his mouth

and what is not important is Congressman Myers stuffing his pockets.

Mr. Weinberg was the recipient of all these gifts. Even if Mr. Weinberg received the gifts, I submit to you the evidence shows he did not. How they have any effect on this case, what the relevance is, escapes me. But Mr. Weinberg, super con man, con man par excellence -- whatever that means -- keeps a $350 oven and gives the FBI three, $6,000 Piaget watches that they didn't even know existed.

MR. BEN-VENISTE: Objection. That is -- there is absolutely no evidence of that.

THE COURT: The jury's recollection will control as to what evidence there is on the point.

MR. PUCCIO: Mr. DiLorenzo. Do you remember Mr. DiLorenzo, the Mayor's chauffeur, testified he was on the scene on August 22, 1979? He had chauffered Mayor Errichetti to the International Inn. He wasn't on duty at this time, he indicated he worked his 30 hours other times of the week. Do you remember him? He was the fellow who couldn't remember. He couldn't remember whether or not he held a package that day. I wonder why?

Well, he tells you that he made all these

deliveries and gifts to Mr. Weinberg in late summer 1979 -- by the way, all of this comes to light, told to the FBI, after the indictment is returned in this case. And it's not told to the FBI or anyone else or the grand jury conducting its investigation -- their testimony is being heard, he tells you at the end of the summer, late summer of 1979, he put three television sets in Mel Weinberg's van.

The only trouble is Mel Weinberg's van, used during the investigation, the records of which Mr. Good identified, was sold in June of that year and therefore the three television sets never went into that van.

Do you remember those three television sets? Those are the three TV sets that Mr. Duffy would have you believe went to agents of the FBI along with Mr. Weinberg, Mr. Brady, and Mr. Amoroso, and Mr. Weinberg each kept a Sony TV delivered at the end of the summer, 1979.

The FBI is accused of misconduct. FBI agents accused of breaking the law. And that's supposed to get you to center on the real issues in this case.

I submit to you, it's nothing but a smoke-screen.

Another smokescreen, the Nopo or Noto incident. Now, Mr. Brown would have you believe that this Nopo incident, this episode with the Mayor of a major city attempting to rip off a businessman, that this incident somehow demonstrates the innocence of Congressman Myers and the others for bribery and conspiracy to commit bribery.

What do we know about this Nopo situation? We know Mr. Cook testified it wasn't until late September or at least the middle of September that he was approached to play Mario Noto or Nopo.

If you recall Mr. Cook's testimony, he never heard about any play-acting in connection with Mr. Myers.

As much as defense counsel would like you to believe Mr. Cook was the actor supreme and said something else, I direct you to the record, Mr. Cook didn't know about any play-acting with Congressman Myers because there was no play-acting. But what Mr. Cook was asked to do was portray an official of the Immigration Service in September, when according to Mr. Cook, September they tried to get an official but couldn't.

You listened to those tapes or recall that

tape that Mr. Brown played. They were talking about an Immigration official during the summer. But Mr. Cook wasn't approached until later on.

What does this all mean? It's brought in to demonstrate to you or get you to believe that Weinberg was in on it. Weinberg was part of this. The better part of an hour of this day has been spent trying to convince you that Weinberg was part of the Nopo episode.

I submit to you that that argument falls on the tapes that Mr. Brown played to you. Now, if Weinberg and Errichetti are conspiring in another crime, that is a ripoff of the businessmen by using a fictitious Immigration official, why when they are having private telephone conversations do they not talk about that? Why does Mr. Errichetti say, Well, -- on the telephone -- I have to go over to the official's office. Weinberg is in on it? He would have said, "What are you, crazy?"

It doesn't make any sense. Mr. Brown said to you that Weinberg was in on it. And there was cross-examination during the trial for I would say a couple of hours ,cross-examination of Mr. Cook, designed to get Mr. Cook to say that Weinberg was in on it. To establish through Mr. Cook that Weinberg was in on it.

And this episode in a series of questions went on and on until it was established beyond any doubt that Weinberg was not in on it.

We played that tape during the Government's case to lay the foundation to rest because it is a smokescreen, ladies and gentlemen.

How can Weinberg be in on it in light of the conversation Mr. Brown played to you tonight? How can Mr. Weinberg be in on it if he told Mr. Criden that he suspected Mayor Errichetti of pulling this deal and Mr. Criden went to Errichetti and told Errichetti and Errichetti and Weinberg have an argument on the telephone, wherein it's absolutely clear that they weren't together on this, and Mr. Errichetti is enraged about the fact -- playing a role.

Would you play that, please? October 3rd.

(Tape played.)

MR. PUCCIO: As you can hear, Weinberg was obviously in on it.

Mr. Brown and I do agree sometimes. He struck me with something he said, struck me as being entirely accurate. Mr. Brown said at one point, referring to the television, the tube is an abomination.

Well, that is certainly true in this case.

Congressman Myers can be the first witness to that. The tube is an abomination. But that camera recorded with punishing accuracy everything that went on. And it was that camera that the Congressman couldn't get around when he testified.

When you're behind the eight ball to the extent that Congressman Myers was after the playing of the tapes, no one can blame him for taking a shot. But I submit to you the shot wasn't even close.

But he said constantly, mindful of the day the Judge would charge the jury, "I intended to do nothing. I intended to do nothing."

State of mind and intention are relevant, as you will learn from the Judge, on certain aspects of this case. Do you really believe the Congressman intended to do nothing but says he would do everything? Was he ever asked to do anything? During the undercover investigation, which extended all the way to February 2nd, it's clear that he was not.

Do you have any doubt, and of course the Judge will charge you it is not necessary that he actually did anything -- do you have any doubt that if he were asked to do something that he would have done it? Do you have any doubt in your minds? Six months later

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he's asked to go to the Barclay Hotel and he goes up there and spends half the night selling everything under the sun, using his influence, using his office. What did Congressman Myers believe, if you listen to his story and try to analyze it, when he was told on August 22nd, supposedly by Mayor Errichetti, that the Sheik had gone to South America -- what was his state of mind? What would a rational person have concluded, the Sheik had gone to South America and I'm going up to a room to talk about immigration and to promise to introduce a bill for a man who is not coming to the United States?

Do you think he really believed that? Alice in Wonderland. That is the only way to describe his testimony.

Ladies and gentlemen, I think I've covered all that I wanted to cover and really all that time permits. It's gotten quite late. The final word is you, and the evidence is here for you to consider and to draw the inferences that are proper to draw.

But I would like to close by telling you that I also agree with the words of Mr. Duffy when he says the stuff of tragedy is in this room. I mean this very seriously when I tell you there is tragedy in

this room. There is a lot of tragedy. There is tragedy for the citizens of Philadelphia that the Congressman represents. And there is tragedy for the City of Camden, New Jersey that Mayor Errichetti --

MR. BROWN: I object. He's not on trial for any official act. Mr. Errichetti is --

THE COURT: Overruled.

MR. PUCCIO: There is tragedy for the Congress of the United States, in which Mr. Myers sits. And there is tragedy on the screen.

Thank you, Judge.

THE COURT: Thank you, Mr. Puccio.

* * *

I N D E X

WITNESSES

none

E X H I B I T S

DEFENDANT'S	Description	For Id.	In Evd.
Exhibit A,C ,D,E,F,G,H	docs.		3647
Exhibit EE	doc.		3643

* * * *

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------X

UNITED STATES OF AMERICA,

-against-

80 CR 00249

MICHAEL O. MYERS, ANGELO J. ERRICHETTI, LOUIS C. JOHANSON, HOWARD L. CRIDEN,

Defendants.

----------X

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 29, 1980
9:00 o'clock a.m.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICCIZZI
OFFICIAL COURT REPORTER

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* * *

THE COURT: Good morning, ladies and gentlemen.

Since I spoke to you yesterday morning, has anyone talked to you about the case or made any attempt to talk to you about the case? If so, raise your hands.

Have any of you talked about the case among yourselves?

Have you read or seen anything on television or heard anything on radio outside the courtroom about the case?

Very good.

We are now at the stage of the trial where you are about to undertake your final function as jurors. Your duty is a serious and important one. In performing it you actively share with me the responsibility of administering justice according to law and the evidence in this case. Your oath as jurors obliges you to discharge this final task in an attitude of complete fairness and impartiality -- and, as was emphasized by me when you were selected as jurors -- without bias or prejudice, for or against the Government or the defendant as parties to this controversy.

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You must not permit yourselves to be governed by sympathy, prejudice or public opinion, or any other consideration which is not founded in the evidence and in these instructions on the law. The Government, the defendant, and the public all expect that you will carefully and impartially consider all the evidence in the case, follow the law as stated by me and reach a just verdict, regardless of the consequences.

This case is important to the Government, since the enforcement of the criminal laws is of prime importance to the welfare of the community.

Obviously, it is equally important to the defendants, who are charged with serious crimes and have the right to receive a fundamentally fair trial, and the community has an interest in that, too.

The fact that the Government is a party entitles it to no greater consideration than that accorded to any other party to a litigation.

By the same token, it is entitled to no less consideration.

All parties, the Government and individuals alike, stand as equals before the bar of justice.

In these instructions I shall describe for you first the general principles applicable to all

criminal trials, and the nature of the charges in this case, next the specific rules of law which are applicable to those charges, and finally something about how you should reach a verdict.

First, as to the general principals applicable to all criminal trials.

To begin with, keep in mind that I have no view whatsoever of the guilt or innocence of these defendants. My function now is to instruct you as to the law.

And it is your duty to accept these instructions as to the law and to apply them to the facts as you may find them.

With respect to any fact matter, it is your recollection, and yours alone that governs. Anything that counsel, either for the Government or the defense may have said with respect to matters in evidence -- whether during the trial, in a question, in argument, or in summation -- is not to be substituted for your own recollection of the evidence.

So, too, as to any matter in evidence, anything that I may have said during the trial, or may refer to during the course of these instructions, is not to be taken in place of your recollection.

14 Charge of the Court

Your final role in this case is to decide and pass upon the fact issues in the case.

You are the sole and exclusive judges of the facts.

You determine the weight of the evidence; you appraise the credibility of the witnesses; you draw the reasonable inferences from the evidence.

You finally determine the guilt or innocence of these defendants.

The indictment is merely an accusation -- a charge. It is not evidence of the defendants' guilt.

Since the defendants have pleaded "not guilty", the Government has the burden of proving the charges against the defendants beyond a reasonable doubt.

A defendant does not have to prove his innocence. On the contrary, a defendant is presumed to be innocent of the accusations contained in the indictment.

As to each defendant, this presumption of innocence was in his favor at the beginning of the trial; it continued in his favor throughout the entire trial. It is in his favor even as I instruct you now, and it remains in his favor during the course of your deliberations in the jury room.

The presumption of innocence is removed only if and when you are satisfied that the Government has sustained its burden of proving the defendant's guilt beyond a reasonable doubt. If the Government has failed to sustain its burden, then the presumption of innocence alone is sufficient to acquit him.

I have used the term "reasonable doubt." What is a reasonable doubt?

The words almost define themselves -- that there is a doubt founded in reason and arising out of the evidence in the case, or the lack of evidence.

It is a doubt which a reasonable person has after carefully weighing all the evidence.

Reasonable doubt is a doubt which appeals to your reason; to your judgment; to your common sense and your experience.

It is not caprice, whim, speculation, conjecture or suspicion; it is not an excuse to avoid the performance of an unpleasant duty; it is not sympathy for a defendant.

If, after a fair and impartial consideration of all the evidence, you can, candidly and honestly, say you are not satisfied of the guilt of a defendant--that you do not have an abiding conviction of his

guilt --

In sum, if you have such a doubt as would cause you, as prudent persons, to hesitate before acting in matters of importance to yourselves, --

Then you have a reasonable doubt, and in that circumstance it is your duty to acquit.

On the other hand, if after such an impartial and fair consideration of all the evidence, you can, candidly and Honestly, say you do have an abiding conviction of a defendant's guilt -- such a conviction as you would be willing to act upon, in important and weighty matters in the personal affairs of your life, then you have no reasonable doubt, and under such circumstances, it is your duty to convict.

Reasonable doubt does not mean a positive certainty, or beyond all possible doubt.

If that were the rule, few persons, however guilty they might be, would be convicted.

Since it is practically impossible for a person to be absolutely and completely convinced of any controverted fact, the law in a criminal case is that it is sufficient if the guilt of a defendant is established beyond a reasonable doubt -- not beyond all possible doubt.

Nor is it the Government's burden to prove each and every bit of evidence to be true beyond a reasonable doubt. Its burden is to prove beyond a reasonable doubt each and every essential element of the crime charged, and I will say more about the essential elements of these crimes in a moment.

Although reasonable doubt may arise from the failure of the Government to produce evidence, the law does not require the prosecution to call as witnesses all persons who may have been present at any time or place involved in the case, or who may appear to have some knowledge of the matters in issue at this trial. Nor does the law require the prosecution to produce as exhibits all papers and things mentioned in the evidence.

A defendant is not obligated to present evidence in his favor. He had the right to rely on the failure by the Government to prove its case. He may also rely on evidence brought out on cross-examination of witnesses called by the Government. On the other hand, a defendant has the power to subpoena anyone in support of his position if he so chooses, and he may exercise that power, if he chooses.

I have used the term "inference". An inference

is a conclusion which reason and common sense lead you to draw from the facts which have been established by the evidence in the case. Always it is for you the jury to draw whatever inferences may be called for by the evidence.

Evidence may be either direct or circumstantial.

Direct evidence is that which is given of actual or personal knowledge of the fact in question. One, who with his own eyes sees a man fire a gun at another man, and then tells what he saw, has given direct evidence of the shooting.

In the absence of direct evidence, however, reliance is often placed upon circumstantial evidence which does not tend to establish the fact in question directly, but rather does so indirectly by establishing surrounding circumstances from which the fact in question can be inferred.

Thus, if our witness to the shooting had not actually been there to see it, but after hearing a shot, arrived moments later, and saw one man holding a smoking gun and the other lying on the ground, bleeding, his testimony would tend to prove the shooting. But it would be indirect or circumstantial

evidence since it would be evidence of surrounding facts from which the fact in question, the actual shooting, might be inferred.

As a general rule, the law makes no distinction between direct and circumstantial evidence, but simply requires, that, before convicting, the jury be satisfied of a defendant's guilt beyond a reasonable doubt from all the evidence, both direct and circumstantial.

What is the evidence in the case which you may consider? It consists of:

1. Sworn testimony of witnesses regardless of who may have called them;

2. Exhibits received in evidence regardless of who may have produced them;

3. Facts which may have been admitted or stipulated.

What is not evidence?

1. Statements or arguments of counsel in opening, summation or made during the trial are not evidence.

2. Any statements I may have made are not evidence.

3. Any testimony I may have stricken from the

record and told you to disregard is not evidence.

4. Questions to which objection has been sustained are not evidence, and you must not speculate on what the answer might have been had I permitted the answer to be given.

As you noticed, during the trial, objections were made and rulings on evidence given. You should draw no inferences from the comparative frequency of objections of one or the other side or from the comparative record in having objections sustained. Where an objection to a question was sustained, of course you must disregard the question and draw no inferences from its wording about the answer that might have been given. Where an objection was overruled, the evidence then received has no special weight just because it was not unsuccessfully objected to.

A difficult aspect of any jury's duty is to determine the credibility of the witnesses and to weigh their testimony.

You, the jurors, are the sole judges of the credibility of the witnesses. Credibility refers to the believability of their testimony and the weight their testimony deserves.

21

Charge of the Court

Your determination of the issue of credibility very largely must depend upon the impression that a witness makes upon you as to whether or not he is telling the truth or giving you an accurate version of what occurred.

When you come into a courtroom and sit in the jury box, while the trial is going on, when you are deliberating in the jury room, you have your common sense, your good judgment, and your experience with you.

You decide whether or not a witness was straightforward and truthful; whether the witness attempted to conceal anything; whether the witness had a motive to testify falsely; whether there was any reason why the witness might color his testimony.

In other words, what you try to do, to use the vernacular, is to size a person up just as you would do in any important matter where you were undertaking to determine whether or not a person is truthful, candid and straightforward.

Scrutinize the testimony given, and the circumstances under which each witness testified, and every matter in evidence which tends to show whether the witness was worthy of belief.

Consider each witnes' (1) intelligence; (2) motive and state of mind; (3) demeanor and manner while on the witness stand; (4) the witness' own ability to observe the matters as to which he testifies -- whether he shall impress you as having an accurate recollection of these matters; (5) the relation each witness might bear to either side of the case; (6) the manner in which each witness might be affected by the verdict, and (7) the extent to which, if at all, each witness is either supported or contradicted by other evidence.

If you find that any witness -- and this applies alike to Government and Defense -- wilfully testified falsely as to any material fact, you have a right to reject the testimony of that witness in its entirety, or you may accept that part or portion which you believe to be credible.

The fact that some government witnesses may be government employees does not entitle their testimony to any greater weight or consideration than that afforded to any other witness in the case.

You will evaluate their credibility the same way you do that of any other witness.

The weight of the evidence is not necessarily

determined by the number of witnesses testifying on either side. You should consider all the facts and circumstances in evidence to determine which of the witnesses are worthy of greater credence. You may find that the testimony of a smaller number of witnesses on one side is more credible than the testimony of a greater number of witnesses on the other side.

Inconsistencies or discrepancies within a witness' testimony or between the testimony of different witnesses may or may not cause the jury to discredit such testimony. Two or more persons witnessing an incident or a transaction may see or hear it differently. Innocent misrecollection, like vague recollection, is not an uncommon experience. In weighing the effect of a discrepancy, consider whether it pertains to a matter of importance or unimportant detail and whether the discrepancy results from innocent error or intentional falsehood.

The ultimate question for you to decide in passing upon the credibility of any witness is: Did the witness tell the truth here before you as to essential matters?

A few words about prior statements. This causes some special problems in the law.

24 Charge of the Court

Generally speaking, evidence comes to you from the witnesses who testify here in the courtroom. Under some circumstances, however, prior statements which a witness has made may also be admissible.

In this trial there have been many references to statements which various witnesses have made before they testified here. Some of those prior statements have been oral, some were in the form of reports made by government officers, some were written and had been signed by the witnesses, and some had been given under oath in the course of another trial or in grand jury or other proceedings.

Now I must discuss with you what use you may make of such statements, for the proper use of a prior statement may vary with who the witness is, with the particular statement, with its relationship to the witness' testimony, with what the witness says about it, and with the purpose for which it was presented to you.

In the first place, all of a witness' prior statements which you have heard may be weighed and considered by you in evaluating the truth or falsity of what that witness said here in the courtroom -- that is, in determining the credibility of the witness'

testimony.

In evaluating any witness' prior statement, you may take into consideration both the nature of the examination here, and the purpose of the statement on the prior occasion. You may also take into consideration normal variations in retelling an event in order to determine whether the statements are truly inconsistent or merely a difference in describing an occurrence.

If you find an inconsistency it is for you and you alone to determine whether the inconsistency is to a material or immaterial fact, and what effect the inconsistency may have on the witness' credibility.

A witness, however, may be inaccurate, contradictory, or even untruthful in some respects, and yet be entirely credible in the essentials of his testimony.

Now, in addition to helping you determine credibility, some prior statements of a witness may also be considered and weighed by you as substantive evidence in the case. This is permitted by the applicable rules in three circumstances:

1. If the witness acknowledged here that he made the statement and that it was true;

2. If the statement was inconsistent with the witness' trial testimony and was made under oath in a trial, hearing, deposition or other proceeding such as a grand jury proceeding;

3. If the statement was made by a defendant it may be used as substantive evidence against him although not against a codefendant unless you make some specific findings in connection with the conspiracy count which I will discuss later.

Whether a prior statement is consistent or inconsistent is a fact question solely for your determination. You also determine whether a witness' prior failure to disclose information, when the opportunity to do so presented itself, is inconsistent with his present testimony. In making that determination you should consider all the facts and circumstances attendant at the time of making the prior statement or the omission of information.

In summary, with respect to prior statements, all the prior statements you have heard may be considered by you in determining the credibility of the witness who made the statement.

In addition to its use on credibility, however, a prior statement may be given substantive weight:

1. If the witness testified that he made it and it was true.

2. If the statement was inconsistent with the trial testimony and was made under oath as part of another proceeding.

3. If the witness was a defendant.

In the last analysis, of course, it is for you to determine in the light of these and my other instructions what weight you will give to the testimony of each witness.

The day before yesterday I explained to you about expert witnesses, how they differ from other witnesses. I said at the time I would repeat it in my instructions now. It was only a short time ago and I will not repeat it. If any of you feel you want that instruction repeated, you may request it by a note. I will be happy to outline it for you again.

Ellis Cook acknowledged that he had been granted immunity from prosecution in connection with his testimony here.

One who testifies under a grant of immunity with a promise from the Government that he will not be prosecuted is a competent witness. His testimony may be received in evidence and considered by the jury

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even though not corroborated or supported by other evidence.

Such testimony, however, should be examined by you with greater care than the testimony of an ordinary witness. You should consider whether the testimony may be colored in such a way as to further the witness's own interest, for a witness who realizes that he may procure his own freedom by incriminating another has a motive to falsify. After such consideration, you may give the testimony of an immunized witness such weight as you feel it deserves.

The testimony of a witness may be discredited or impeached by showing that the witness has been convicted of a felony, that is, of a crime punishable by imprisonment for a term of one year or more. Prior conviction does not render a witness incompetent to testify, but is merely a circumstance which you may consider in determining the credibility of the witness. It is the job of the jury to determine the weight to be given to any prior conviction as impeachment.

Some of the testimony in this case comes from the witness Melvin Weinberg, who after he was arrested and indicted in Pittsburgh agreed to cooperate with the Government and become an informer for the F.B.I.

29 Charge of the Court

An informer is somone who provides evidence against a defendant in return for some personal benefit given him by the Government.

Here, you will recall Mr. Weinberg's testimony that in return for his cooperation his sentence was reduced from imprisonment to probation and he has been paid substantial sums of money by the Government.

If informers could never be used, of course, there would be many cases involving real and serious guilt in which convictions would not be obtainable. Their testimony, however, must be received with caution and weighed with care and given such weight as you deem it entitled to receive under all of the circumstances of the entire case.

The law does not prohibit the use of an informer, and whether you approve of their use is not to enter into your consideration of this case. In certain types of crime, the Government, of necessity, is frequently compelled to rely upon the testimony of persons with criminal records, or informers, otherwise, it would be difficult to detect or prosecute some wrongdoers, and this is particularly true in bribery cases.

The law does not compel a defendant in a criminal case to take the witness stand and testify, and no presumption of guilt may be raised, and no inference of any kind may be drawn, from the fact that three of the defendants in this case did not testify. Therefore, the jury should not even discuss the fact that the three defendants did not testify.

The law never imposes upon a defendant in a criminal case the burden or duty of producing any evidence. But a defendant may present himself as a witness, as the defendant Myers did in this case. In that event, the defendant is subject to cross-examination. As you have observed, and his credibility is for you, the jury, to determine, in the same manner as other witnesses.

Obviously, a defendant has a deep personal interest in the result of his prosecution; indeed, it is fair to say he has the greatest interest in its outcome.

Interest creates a motive for false testimony, and a defendant's interest in the result of his trial is of a character possessed by no other witness.

In appraising his credibility, you may consider

that a defendant has a strong motive to lie to protect himself, but you may also consider that he takes a real risk by subjecting himself to cross-examination.

In addition, simply because a person has a vital interest in the end result, it by no means follows that he is not capable of telling a truthful and straightforward story.

It is for you to decide to what extent, if at all, defendant's interest has affected or colored his testimony.

T.2/2 We turn now to the specific charges against these defendants as set forth in the indictment.

Keep in mind that the defendants are on trial only for the crimes alleged in the indictment and for no other crimes.

Thus, we are dealing with the three crimes or counts of the indictment. The first one is conspiracy, the second bribery, and the third interstate travel. Those are loose descriptions for them.

You are free to discuss and decide the issues in any order you choose. But I suggest to you your work might be easier if you would take up first the bribery count, that is, Count Two of the indictment, then the interstate travel count, Count Three, and

finally the conspiracy count, Count One.

For reasons of convenience and helping you to understand the issues, that is the order in which I will discuss these counts.

With each of the charges I will review with you the statute, the indictment, and the essential elements of the crime.

The statute, of course, is the law passed by Congress, that the defendants are charged with violating.

The indictment sets forth the specific crimes of which the defendants are accused.

The essential elements are those factors which must be established beyond a reasonable doubt for a defendant to be guilty of a charged crime. Each of the essential elements of the three crimes I will discuss with you in some detail.

With respect to Count Two of the indictment, each of these counts by the way has an introductory paragraph, and I will give a copy of the indictment to you for your deliberations. There is an introductory paragraph with respect to each of the three counts and that identifies who is who in this case. It describes the defendant Myers as a member of the

United States House of Representatives, representing the First Congressional District of Pennsylvania; the defendant Errichetti as Mayor of Camden, New Jersey, and a member of the State Senate of the State of New Jersey; the defendant Johanson, a member of the City Council of Philadelphia and a member of the law firm of Criden, Johanson, Dolan, Morrissey & Cook; it identifies the defendant Criden as a member of the law firm; Anthony Amoroso, Jr., Ernest Haridopolos, and Michael Wall as special agents of the FBI acting in an undercover capacity, using the names respectively Tony DeVito, Ernie Poulos, and Michael Cohen, who purported to represent foreign business men from the Middle East who were seeking to invest money in the United States and planned to emigrate to the United States. It identifies Mel Weinberg as a private citizen assisting the FBI, who purported to be an employee of the aforesaid foreign business men.

All that is incorporated by reference in Count Two. The body of Count Two is set forth in the second paragraph which I would read to you. This is the bribery count. It reads as follows: On or about and between the 26th day of July, 1979

and the 2nd day of February, 1980, within the Eastern District of New YOrk and elsewhere, the defendant Michael O. Myers, aided and abetted by the defendants Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden, unlawfully, wilfully and knowingly did directly and indirectly corruptly ask, demand, exact, solicit, seek, accept, receive and agree to receive a sum of money from Special Agents Amoroso, Haridopolos and Wall for himself and other persons and entities in return for the defendant Michael O. Myers being influenced in his performance of official acts as a member of Congress, to wit, his decisions and actions in a matter involving immigration, residency and citizenship of foreign nationals, which might at any time be ending or which might by law be brought before the House of Representatives and departments, agencies, and branches of the Government of the United States, and in return for the defendant Michael O. Myers being influenced to commit, aid, in committing, collude in and allow fraud, and to make opportunity for the commission of fraud on the United States.

That is all alleged to be in violation of two sections of Title 18 of the United States Code,

Sections 2 and 201 subdivision (c).

Section 2 covers aiding and abetting. That is a section which involves defendants Errichetti, Johanson, and Criden.

(Continued on next page.)

Charge

Now, I'll discuss that section two with you in a moment.

First, however, we must focus upon Section 201(c), the bribery section which the defendant Myers is charged with violating. Now, Section 201(c) provides that:

"Whoever, being a public official, directly or indirectly corruptly asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value for himself or for any other person or entity in return for being influenced in his performance of any official acts" shall be guilty of a crime.

To prove the defendant Myers guilty under this charge of Count 2, the Government must establish four essential elements; one, that on August 22, 1979, the defendant Myers received a sum of money; two, that when he did so, he was a public official; three, that he received the money in return for being influenced in his performance of an official act; and four, that he so acted knowingly, wilfully and corruptly. Each of these elements must be established beyond a reasonable doubt. The law never imposes on a

defendant in a criminal case the burden or duty of presenting any evidence or calling any witnesses.

Now, let us discuss each of these essential elements. The first is that on August 22, 1979, the defendant Myers received a sum of money. The Government contends that on August 22, 1979, at the International Inn at Kennedy Airport, the defendant Myers received from FBI Agent Amoroso, posing as Tony DeVito, an envelope containing $50,000. Defendants do not contest this element. It is for you to determine, based on the evidence, whether it has been established beyond a reasonable doubt.

The second essential element is that, at the time he received the money, that is, on August 22, 1979, the defendant Myers was a public official. The statute specifically defines a public official as including a member of Congress. It is not contested that, at the time in question, defendant Myers was a member of the House of Representatives, representing the First Congressional District of Pennsylvania, and was therefore a public official within the meaning of the statute.

The third essential element is that the

defendant Myers received the money in return for being influenced in his performance of an official act. And official act is defined by the statute to be, "Any decision or action on any question, matter, cause, suit, proceeding or controversy which may at anytime be pending or which may by law be brought before any public official in his official capacity, or in his place of trust or profit."

Here, the Government alleges that the official acts were decisions and actions of defendant Myers as a member of Congress in a matter involving immigration, residency and citizenship of foreign nationals which might at some time be pending or which by law may brought before the House of Representatives and departments, agencies and branches of the United States. Specifically, the Government claims that defendant Myers agreed, in return for the money, to assist a "Sheik" -- let me put that in quotation marks -- whom Amoroso claimed to represent in coming to or remaining in this country by introducing into Congress a private immigration bill and by using his influence as a Congressman with officials in

State Department to favorable affect the Sheik's residency status here.

A promise by a Congressman to introduce or support a private immigration bill would be a promise to perform an official act within the meaning of this Federal Bribery Statute. A promise by a Congressman to use the influence of his position and office to affect decisions of departments and agencies of the Government of the United States could also be a promise to perform an official act; and this could include a promise to intervene before the Executive Branch of the Government to facilitate an alien's entry into this country, to stay his deportation, or to procure permanent resident status for him.

Defendants do not deny that defendant Myers said the things that you have seen and heard him say on the video tapes. They contend, however, that he did not intend to be influenced in any official acts for the Sheik , and that he was only pretending to acquiesce in the bargain with Amoroso. The charge of bribery under Section 201(c) focuses directly upon what was defendant Myers' intent when he took the money. Did he intend, when

the time came, to help the Sheik, to introduce a private bill into Congress, to intervene with State Department officials? Or did he merely pretend that he would do so without actually intending to follow through on his promise? This matter of defendant Myers' intent when he took the money is the central issue on this element.

How do you determine what was his intent? Intent is a state of mind and, of course, it is not possible to look directly into a man's mind to see what went on. The only way you have of arriving at the intent of the defendant in this case is for you to take into consideration all the facts and circumstances shown by the evidence, including the video tapes and the other exhibits, and determine from them what was Myers' intent. Thus, a defendant's intent may not be proved directly, but maybe inferred from his words, and acts, and from such inferences as may arise from a combination of words and acts, even though anyone of them, taken by itself, might seem unimportant.

Not every payment or contribution received by a Congressman constitute bribery. To violate Section 201(c), the payment received must be

accompanied by a specific intent on the part of the Congressman to be influenced in the manner specified in the indictment. That intent is not supplied merely by the fact that the payment was received with some generalized understanding or expectation of benefit or good will to the donor. In order to establish the offense of bribery, the Government must show that the money was received by Congressman Myers with the intent to pursue a specific course of conduct. The Government is not required, however, to show either that defendant Myers actually carried out his promise or that he performed any acts in an attempt to do so; nor is the Government required to show that the promised official acts would have been accomplished. The promise does not cease to relate to an official act simply because the undercover agent offerring the bribe knows that the subject of the promised legislative action is fictitious and that the promise will not actually be performed.

What the statute focuses upon is the Congressman's actions and the state of mind. Thus, the fact that the Sheik did not exist but was a fictitious person is not material to this case.

It is enough if defendant Myers believed that the Sheik existed and accepted the money in return for being influenced in his future official acts on the Sheik's immigration, residency or citizenship status.

Moreover, in considering the guilt or innocence of a defendant who is accused of bribery, it makes no difference that the object of the bribe itself may be lawful activity. The purpose of the law is to protect the integrity of official acts against the possible temptation to act in other than a proper manner which may result from the payment of money to influence such an official act. While it is not necessary, as I said earlier, for the Government to show that Myers actually carried out the acts which were the subject of his promise, you may, however, consider the absence of any evidence showing that Congressman Myers performed any act to implement the promises charged in the indictment as bearing on the question of whether, when he took the money, he intended to use influence in his performance of official acts.

Similarly, in determining what was defendant Myers' intent when he took the money on August 22,

1979, you may weigh and consider, along with the other evidence in the case, his subsequent words and conduct at the Barclay Hotel on January 24th, and 25, 1980, as recorded on the video tapes, Government's Exhibits 7 and 8. After weighing all these considerations and the evidence in the case, you must determine whether the Government has established beyond a reasonable doubt this third essential element, that defendant Myers took the money in return for being influenced in his performance of an official act.

The fourth essential element is that defendant Myers acted knowingly, wilfully and corruptly. An act is done knowingly when done voluntarily and purposely and not because of mistake , accident, misunderstanding or other innocent reason. An act is done wilfully when done voluntarily and intentionally and in violation of a known legal duty. An act by a public official is done corruptly when done voluntarily and intentionally and with the bad purpose of accomplishing either an unlawful end or result or a lawful end or result by some unlawful means.

The motive to act corruptly ordinarily is

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with the hope or expectation of, or in return for, either financial gain or other benefit to one's self or some aid, profit or benefit to another. So, a public official acts corruptly whenever he wilfully solicits or accepts money in return for being influenced in his official action. It does not matter that he intends to turn over all or part of it to others.

In short, on this element, you must determine on all the evidence whether defendant Myers acted knowingly, wilfully and corruptly. In summary, up to this point, in order to determine whether defendant Myers is guilty of violating Section 201(c) under Count 2 of the indictment, you must decide whether the Government has established beyond a reasonable doubt each of the four essential elements; one, that on August 22, 1979, he received a sum of money; two, that when he did so, he was a public official; three, that he received the money in return for being influenced in his performance of an official act; and four, that he so acted knowingly, wilfully and corruptly.

If the Government has established each of these elements beyond a reasonable doubt, you must

find defendant Myers guilty, on Count 2, of receiving a bribe. If you determine that defendant Myers is not guilty of this bribery charge, then you must consider whether defendant Myers is guilty under Count 2 of the crime of receiving a criminal gratuity in violation of Section 201(g).

Now, this is a lesser offense that is included in the charge that is alleged under Count 2; that is, receiving a criminal gratuity is a lesser offense with different elements than receiving a bribe. I will instruct you as to the elements of the crime of receiving a criminal gratuity in a moment, but keep in mind that you are to consider the criminal gratuity charge only if you decide to acquit defendant Myers on the bribery charge. He can be convicted of one crime or the other, not both. You may, of course, decide to acquit defendant Myers on both the bribery and gratuity charges. You should not compromise on the lesser charge because you can't reach an agreement. Unless 12 of you determine that the defendant is guilty of a crime, he cannot be found guilty.

Excuse me just a moment.

Charge

(Pause.)

THE COURT: Now, let's talk about this charge of receiving a criminal gratuity. Section 201(g), dealing with receiving gratuities, provides in pertinent part that:

"Whoever, being a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly receives anything of value for himself, for or because of any official act performed or to be performed by him" shall be guilty of a crime.

Now, there are five essential elements that are necessary to establish defendant Myers' guilt of the crime of receiving a criminal gratuity under this Section 201(g). Those five elements are, one, that on August 22, 1979, defendant Myers received a sum of money; two, that at the time, he was a public official; three, that he received the money otherwise than as provided by law for the proper discharge of his official duty; four, that he received the money for or because of an official act to be performed by him; and five, that he so acted knowingly and wilfully. These gratuity elements can be understood perhaps

a little better by comparing them with the elements under the bribery statute that I discussed with you a moment ago.

Now, the first and second elements are the same as those that I discussed with you under the bribery charge and I don't have to repeat those instructions again. The third element here is that defendant Myers received the money, "Otherwise than as provided by law for the proper discharge of his official duty." This element is included in order to make it clear that lawful fees, properly paid to public officials, such as salary, expense reimbursement, filing fees and things of that sort, are not payments forbidden by the statute. There is no suggestion by either side that the $50,000 payment to the defendant Myers was salary, expense money or a fee or other kind of payment authorized by law.

You will recall that under the bribery charge, payment must have been received corruptly. Here, it need only have been a payment not provided by law for the discharge of official duty.

The fourth element is that the defendant Myers received the money for or because of an

official act to be performed by him. The law that prohibits receiving gratuities, as I have said, is called a lesser included offense under the law that prohibits receiving bribes. Its purpose is to prohibit a public official in the course of his official duties from receiving additional compensation as a tip or gratuity for or because of an official act. This requires you to consider why the payment was made and received.

(Continued on next page.)

Charge

From the point of view of Government agents, of course, no official acts were actually expected to be done by defendant Myers. But as I have already explained the fact that the Sheik was a mythical person and that his representatives were Government agents engaged in a sting operation is immaterial to your decision. What you must do, then, is to view what happened from Congressman Myers' point of view, for what you must determine is whether he committed this crime. Thus, you must determine whether this payment was received by Myers because of an official act. This requires you to evaluate his knowledge at the time from his point of view. Was he paid because he was a Congressman? From his point of view, were the matters to which the payment related ones which were within the scope of his official functions as a Congressman? From his point of view, was the payment made because of some official act the Sheik might ask him to perform in the future?

To find a violation on the charge of receiving a bribe, as I instructed you earlier, you must find that a public official had a specific intent to be influenced in the performance of his official

acts.

In order to find a violation on this charge of receiving a gratuity, it is not necessary to find such a specific intent. The Government must prove that the purpose of receiving the payment was to receive an additional reward, gratuity or tip because of an official act performed or to be performed by the Congressman. The payments may be a violation even in the absence of evidence that the giver sought a particular preference or that the receiver specifically intened to give one. Again, it is not necessary under this Section that the Government prove that the payment actually caused or prompted or affected any official act, nor need the Government prove the extent or the manner or exact means by which the official acts might have been done. But the Government must establish beyond a reasonable doubt that the payment was received because defendant Myers was a Congressman and because of some official act to be performed by him in his position as a Congressman.

In addition to promises made by defendant Myers on the tapes to introduce a private immigration bill to the Sheik, if it was to be needed,

and otherwise to assist him in his immigration problems here, defendant Myers also promised to use his influence on the Sheik's behalf in connection with a variety of other matters; the hotel, the Atlantic City casino, port development in Philadelphia, and so forth. These other matters, of course, are State or local, but not Federal matters and, therefore, activity by Myers in connection with them would not be an official act by him as a Congressman. Thus, if you find that the payment was received by Myers because of the local matters and not because of the immigration matter, or if you find it was not because of any of them, then it would not be because of an official act. If, however, you find that the payment was received by Congressman Myers because of a combination of things, including the immigration matter, then you may find that it was because of an official act. The fact that the Federal Immigration matter was combined with other non-federal promises does not prevent the payment from being because of an official act.

In your deliberations, you should first determine the guilt or innocence of defendant Myers

on the charge of violating the law against receiving a bribe. If you find him guilty on that bribery charge, then there is no need for you to consider the lesser included offense, receiving a criminal gratuity. However, if you determine that defendant Myers is not guilty of the bribery charge, then you should go on to consider whether he is guilty or not guilty on the criminal gratuity charge.

Thus far, I have only talked about defendant Myers. Now, let's consider the other three defendants, Angelo Errichetti, Louis Johanson and Howard Criden. As I said before, they come in under Section 2 of the statute, the aiding and abetting section. We'll talk first about Count 2 of the indictment, although this also applies to Count 3.

Since those three gentlemen are not public officials as defined in the statute -- keep in mind that this is a Federal Statute and it defines public officials as Federal Public Officials -- these three cannot be guilty of violating Section 201(c) or 201(g) directly. However, the indictment does charge that defendant Myers was aided and abetted by the other three defendants in doing the

acts that Myers was charged with doing; and aiding and abetting someone else to commit a crime may in itself be a crime.

Thus, if you have found defendant Myers not guilty under Count 2 of both charges, that is, receiving a bribe and receiving a criminal gratuity, then you'd have to find the other three defendants also not guilty. But if you find defendant Myers guilty of either receiving a bribe or receiving a criminal gratuity, then you have to consider the charge against the other three defendants for aiding and abetting Myers criminal conduct.

The aiding and abetting charge is brought under 18 U.S. Code Section 2, which provides in part that:

"Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."

Where, as in the present case, two or more persons are charged together with the commission of an offense, the Government is not required to prove that one of the defendants alone did all

of the things required to make out the offense. On the contrary, under Section 2 that I just read, all those who aid and abet the commission of an offense or cause anything to be done which, if directly performed, would be an offense, are treated as equally guilty of the crime; that is, they are punishable as principal offenders. Hence, if a person wilfully unite his efforts with one or more others to bring about the commission of a crime, he is equally guilty with the others and they with him, provided that he is conscious of the nature of the criminal venture and intentionally associates himself in its furtherance and actively participates in bring about the accomplishment of the criminal venture.

Keep in mind, however, that mere association is not a crime. There is no such thing under our laws as guilt merely by association. The mere presence of a defendant where a crime may have occurred, even coupled with that defendant's knowledge that a crime is being committed, or mere negative acquiescence by a defendant in the criminal conduct of others, even with guilty knowledge, is insufficient to establish his guilt. An aider a

abettor must have some interest in the criminal venture. In order to convict any of the defendants as an aider and abettor, you must be convinced beyond a reasonable doubt that he voluntarily and intentionally participated in the criminal venture in an effort to make it succeed.

You have heard the evidence relating to the participation of the defendants Errichetti, Criden and Johanson in the events of August 22, 1979, and leading up to that day. You must separately evaluate the evidence as to each of them and for each, you must determine whether the Government had established beyond a reasonable doubt that he voluntarily and intentionally participated with Congressman Myers in the receipt of a bribe or criminal gratuity in an effort to make the venture succeed. If so, you will find that defendant guilty. If not, you will find him not guilty.

Now, let's consider Count 3 of the indictment which charges the defendants with violating what is called the Travel Act, 18 U.S. Code Section 1952. Unless you found defendant Myers guilty under Count 2, that is, the receipt of a bribe or receipt of a criminal gratuity, unless you find

him guilty of one or the other of those, you must find all four of the defendants not guilty on this Count 3. If, however, you have found defendant Myers guilty on Count 2, then you must consider each defendant under this Count 3.

Now, Section 1952 of the Code provides in part that:

"Whoever travels in interstate commerce with intent to distribute the proceeds of any unlawful activity, or otherwise to promote or carry on any unlawful activity, and who thereafter distributes the proceeds or promotes or carries on the unlawful activity," is guilty of a crime.

The term, "unlawful activity," in this section is defined and includes a number of things; but one of the things that it includes is bribery.

Now, under that Section 1952, as well as under Section 2, which I discussed with you a moment ago, the aiding and abetting section, all four defendants are charged in Court 3 of the indictment as follows:

First, there is the general allegation that identifies the various participants. It is incorporated by reference. Then, part two of Count 3 alleges

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that:

"On or about the 22nd day of August 1979, within the Eastern District of New York and elsewhere, Michael O. Myers, Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden, the defendants, unlawfully, wilfully and knowingly did travel in interstate commerce from the States of New Jersey and Pennsylvania into the Eastern District of New York and did use facilities in interstate commece with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of unlawful activity, said unlawful activity being bribery, in violation of Title 18, United States Code, Section 201, and did therafter perform and attempt to perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said unlawful activity, and to distribute the proceeds of said unlawful activity.

"3. It was a part of said unlawful activity that the defendant Michael O. Myers, aided and abetted by the defendants Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden, would and

did directly and indirectly corruptly ask, demand, exact, solicit, seek, accept, receive and agree to receive a sum of money for himself and other persons and entities in return for the defendant Michael O. Myers being influenced in his performance of official acts as a member of Congress and being influenced to commit and collude in the commission of fraud on the United States."

Now, for a violation of this Travel Act count as charged in the indictment, there are two essential elements that must be established beyond a reasonable doubt. They are, one, that on August 22, 1979, the defendants whom you are considering -- you have to consider each of them separately -- the defendant traveled in interstate commerce; two, that he did so with intent to promote or carry on the unlawful activity of defendant Myers, that is, his receipt either of a bribe or a criminal gratuity; three, that thereafter, that is, after he traveled with the intent, he performed an act either to carry on or promote the unlawful activity, or to distribute its proceeds; and four, that the defendant acted knowingly and wilfully. Again, the Government must

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establish each of these elements beyond a reasonable doubt. The law never imposes on a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

Now, let us consider each of the elements separately and remember that you must determine them separately for each defendant. The first element is that on August 22, 1979, defendant traveled in interstate commerce. It is charged, and there is evidence that on that date, each of the four defendants traveled from either Pennsylvania or New Jersey to the vicinity of Kennedy Airport in New York State. Such travel would be in interstate commerce, and, if you find it occurred, it would satisfy this element.

The second element is that the defendants' interstate travel was with intent to carry on or promote the unlawful activity of defendant Myers. The unlawful activity referred to is that which is the subject of Count 2 of the indictment; that is, either receiving a bribe or the lesser included offense of receiving a criminal gratuity.

As to the defendant Myers, this second element presents no special problems, since it was

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his own unlawful activity in New York that was the basis of the charge. As to the other three defendants, however, you must analyze separately the circumstances of each one's travel to New York on that occasion and determine whether he made the trip with intent to carry on or promote defendant Myers' unlawful activity. You will determine a defendant's intent from all of the evidence which bears on his own knowledge and conduct.

The third element is that, after traveling to New York, the defendant performed an act either to carry on or promote defendant Myers' unlawful activity, or to distribute its proceeds. Under this element, it is necessary that, after traveling to New York, the defendant did some additional act. The additional act may be one which carried on or promoted defendant Myers' unlawful activity of receiving a bribe or a criminal gratuity, or it may be that he received or agreed to receive part of the money that was paid to defendant Myers. You have heard evidence with respect to each defendants' participation in the events of the day, and as to his sharing in the $50,000

gift. It is for you to determine from that evidence whether the Government has established this third element beyond a reasonable doubt.

(Continued on next page.)

The fourth element is that the defendant acted knowingly and wilfully, terms that I earlier defined for you. In the context of this charge, these requirements mean that, when the defendant traveled in interstate commerce, intending to promote Defendant Myers' unlawful activity, and then performed an addition act to that end and shared in the $50,000 payment, did the defendant act voluntarily and intentionally and in violation of a known legal duty? Did he know what he was doing? Did he know that Myers was to receive a payment? Did he act freely and without compulsion? Did he come to New York to participate in the transaction? Did he know that the money he received was part of the payment to Myers and was received by Myers either as a bribe or as a criminal gratuity? For a participating defendant, if the answers to these questions are yes beyond a reasonable doubt, then this fourth element would be satisfied.

In summary of Count three, the Travel Act count, therefore, you must find for each defendant four essential elements before you can find that defendant guilty: one, that on August 22 of 1979 he traveled in interstate commerce; two, that he

did so with intent to promote or carry on the unlawful activity of defendant Myers; three, that thereafter he performed an act either to promote or carry on the unlawful activity or to distribute its proceeds; and four, that he acted knowingly and wilfully.

Now, let's turn to count one of the indictment, the conspiracy count. Again, the first paragraph is the introductory identifying paragraph.

"Paragraph two: On or about and between the 26th day of July, 1979 and the 2nd day of February, 1980, within the Eastern District of New York and elsewhere, Michael O. Myers, Angelo J. Errichetti, Louis C. Johanson and Howard L. Cirden, the defendants, unlawfull, wilfully and knowingly did combine, conspire, confederate and agree together and with each other and with others known and unknown to the grand jury to defraud the United States and agencies and departments thereof of the Government's right,

"a. To the faithful and honest service of the Defendant Myers as a member of Congress in relation to matters before the House of Representatives, performed

free from corruption and fraud and uninfluenced by payments of money and other valuable consideration to himself and others;

"b. To have the official acts of the Defendant Myers as a member of Congress, in attempting to influence decisions of departments and agencies of the United States in relation to matters of immigration and residency, performed free from corruption, fraud and dishonesty, and uninfluenced by considerations of personal advantage and private financial gain to himself and others;

"c. To have the immigration and citizenship laws administered honestly and impartially, free from improper and undue pressure and influence;

"d. To have its officials and employees charged with enforcing the immigration and citizenship laws perform their official duties free from impairment and obstruction by the exercise upon them of corrupt, fraudulent, dishonest, unlawful, improper and undue pressure and influence;

"And did further conspire and agree to commit

an offense against the United States in violation of Title 18, United States Code, Section 201; to wit: The defendants Myers, Errichetti, Johansen and Criden, did conspire and agree together and with others, directly and indirectly corruptly to ask, demand, exact, solicit, seek, accept, receive and agree to receive a sum of money for the defendant Myers and other persons and entities in return for the Defendant Myers being influenced in the performance of official acts and being influenced to commit, aid in committing, collude in and allow fraud, and to make opportunity for the commission of fraud on the United States.

"Paragraph three: It was a part of the conspiracy that the Defendant Angelo J. Errichetti did advise Special Agent Amoroso and Melvin Weinberg that the Defendant Michael O. Myers would assist the aforesaid foreign businessman to enter and remain in the United States in return for a cash payment of $100,000.

"Four: It was further a part of the conspiracy that the defendant Michael O. Myers would agree to assist the foreign businessmen to enter and remain in the United States in return for the

cash payment of $100,000.

"Five, it was further a part of the conspiracy that the defendant Michael O, Myers would give a portion of the aforesaid cash payment to the defendants Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden.

"Six: It was further a part of the conspiracy that the Defendants Michael O. Myers and Angelo J. Errichetti did meet with Special Agent Amoroso and Melvin Weinberg and Defendant Michael O. Myers did receive a cash payment of $50,000 in return for his assurances that he would introduce private immigration bills to enable the foreign businessmen to remain in the United States and would take such other action as would be necessary to achieve that end, including intervention with the Department of State.

"Seven: It was further a part of the conspiracy that the Defendant Michael O. Myers did share the proceeds of the $50,000 payment with the Defendants Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden and another individual known to the grand jury, and that the Defendant Myers did retain $15,000 for his own

use and benefit.

"Eight: It was further a part of the conspiracy that the Defendant Michael O. Myers did subsequently solicit, demand and agree to receive an additional $35,000 from Special Agents Wald and Haridopolos in return for his assistance to the foreign businessmen in the aforesaid immigration matter because the defendant Myers had received $15,000 for his own use and benefit instead of the $50,000 which he had been told by the defendants Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden that he would receive for his own use and benefit.

"In furtherance of the conspiracy and to effect the objects thereof, the Defendants committed the following overt acts, among others, within the Eastern District of New York."

The indictment then lists some twelve overt acts which I'm not going to read to you now, but I will shortly, when I get to that portion of the charge. All of this is alleged to be in violation of Title 18 United States Code Section 371, which provides:

"If two or more persons conspire either to

commit any offense against the United States, or to defraud the United States or any agency thereof in any manner or for any purpose, and one or more of such persons do any acts to effect the object of the conspiracy, each is guilty of the crime."

Thus, in effect, the defendants are charged with conspiracy to commit the crime we have already discussed under count two, having a Congressman receive a bribe or a criminal gratuity. If you have found Defendant Myers not guilty under count two, then you must find all defendants not guilty under count one.

Four essential elements are required to be proved in order to establish the offense of conspiracy charged in the indictment:

1, that the conspiracy described in the indictment was wilfully formed and was existing at or about the time alleged;

2, that the accused -- and you have to evaluate each of the four defendants separately-- that the accused wilfully became a member of the conspiracy;

3, that one of the conspirators thereafter knowingly committed at least one of the overt acts

charged in the indictment at or about the time and place alleged; and four, that such overt act was knowingly done in furtherance of some object or purpose of the conspiracy as charged.

If the jury should find beyond a reasonable doubt from the evidence in the case that existence of the conspiracy charged in the indictment has been proved and that, during the existence of the conspiracy, one of the overt acts alleged was knowingly done by one of the conspirators in furtherance of some object or purpose of the conspiracy, then proof of the conspiracy offense charged is complete and it is complete as to every member found by the jury to have been wilfully a member of the conspiracy at the time the overt act was committed, regardless of which of the conspirators did the overt act.

As I stated before, the burden is always upon the prosecution to prove beyond a reasonable doubt every essential element of the crime charged. The law never imposes on a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

Now, let's consider each of the essential

elements in turn.

After the first element, that the conspiracy described in the indictment was wilfully formed and was existing at or about the time alleged, a conspiracy is a combination of two or more persons by concerted action to accomplish some unlawful purpose or to accomplish some lawful purpose by unlawful means; so a conspiracy is a kind of partnership in criminal purposes in which each member becomes the agent of every other member. The gist of the offense is a combination or agreement to disobey or to disregard the law. Mere similarity of conduct among various persons and the fact that they may have associated with each other and may have assembled together and discussed common aims and interests does not necessarily establish proof of the existence of a conspiracy. However, the evidence in the case need not show that the members entered into any express or formal agreements, or that they directly by words spoken or in writing, stated between themselves what their object and purpose was to be, or the details thereof, or the means by which the object or purpose was to be accomplished.

Common sense will tell you that when people undertake to enter into a criminal conspiracy, much is left to unexpressed understanding. Explicit language and words are not required to indicate assent or involvement in a conspiracy.

What the evidence in the case must show beyond a reasonable doubt in order to establish that a conspiracy existed is that the members in some way or manner or through some contrivance positively or tacitly came to a mutual understanding to try to accomplish a common and unlawful plan.

The evidence in the case need not establish that all the manners or methods set forth in the indictment were agreed upon to carry out the alleged conspiracy, nor that all means or methods which were agreed upon were actually used or put into operation, nor that all of the persons charged to have been members of the alleged conspiracy were such. What the evidence in the case must establish beyond a reasonable doubt is that the alleged conspiracy was knowingly formed and that one or more of the means or methods described in the indictment were agreed upon to be used in an effort to effect or accomplish some object of

the conspiracy as charged, and that two or more persons, including one or more of the accused, were knowing members of the conspiracy as charged in the indictment.

As to the time of the conspiracy, it is not essential that the Government establish that the conspiracy began or ended on a specific date.

It is sufficient for this element if you find that in fact, the conspiracy was formed and existed for some time within the period set forth in the indictment; that is, at some time between July 26th, 1979 and February 2, 1980.

As to the essential elements, that the accused wilfully became a member of the conspiracy, one may become a member of a conspiracy without full knowledge of all the details of the conspiracy. A defendant need not know the identities of or the precise number of all of the other members, nor the entire scope of the conspiracy, nor all of the means by which the objects or purpose of the conspiracy were to be accomplished. Each member of the conspiracy may perform separate and distinct acts. There must, however, be agreement by the conspirators on the essential

nature of the plan and on the time of criminal conduct in fact contemplated. On the other hand, a person who has no knowledge of the conspiracy but simply happens to act in a way which furthers some object or purpose of the conspiracy does not thereby become a conspirator. It is necessary, therefore, that the Government prove beyond a reasonable doubt that the particular defendant was aware of the common criminal purpose and was a willing participant with intent to advance the purpose of the conspiracy.

(continued on next page.)

Before the jury may find that a defendant, any other person, has become a member of a conspira the evidence in the case must show beyond a reasonal doubt that the conspiracy was knowingly formed, and that the defendant, or other person who is claimed t have been a member, wilfully participated in the unlawful plan, with the intent to advance or further some object or purpose of the conspiracy.

To act or participate wilfully means to act or participate voluntarily and intentionally, in violation of a known legal duty. So, if a defendant, or any other person, with understanding of the unlawf character of a plan, knowingly encourages, advises or assists, for the purpose of furthering the undertaking or scheme, he thereby becomes a willful participant -- a conspirator.

One who wilfully joins an existing conspiracy is charged with the same responsibility as if he had been one of the originators or instigators of the conspiracy.

In determining whether a conspiracy existed, the jury should consider the actions and declarations of all of the alleged participants. However, in determining whether a particular defendant was a member

of the conspiracy, if any, the jury should consider only his own acts and statements. He cannot be bound by the acts or declarations of other participants until it is established that a conspiracy existed, and that he was one of its members.

It is this rule that required many of the limiting instructions during the trial. You will recall that as to many of the conversations and tapes I instructed you that until I gave you further instructions you should consider those statements and actions only against the defendant who made them. Now I want to broaden that instruction. All of such statements may be weighed by you, as I originally instructed, in determining whether that defendant was a member of the conspiracy. If you find beyond a reasonable doubt, however, that a defendant was a member of the conspiracy, then all of his acts and statements made during and in furtherance of the conspiracy may be used and weighed against every other defendant whom you also find to have then been a member of the conspiracy.

Similarly, the acts and statements of the other members could also be weighed against him.

The indictment charges that the four defendants

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conspired among themselves and with others. Under the evidence you may find that Ellis Cook was also a member of the conspiracy if he meets the standards I have described for you. If you make that finding, then you may also weigh his statements and acts during the conspiracy as binding upon those defendants who were also members at the time.

Ordinarily an act done or an admission or incriminatory statement made outside of court, by one person, may not be considered as evidence against any person who was not present and did not hear the statement made, or see the act done.

However, when it appears beyond a reasonable doubt from the evidence in the case that a conspiracy existed, and that a defendant was one of its members, then the statements thereafter knowingly made and the acts thereafter knowingly done, by any person likewise found to be a member, may be considered by the jury as evidence in the case as to the defendant found to have been a member, even though the statements and acts may have occurred in the absence and without the knowledge of the defendant, provided that such statements and acts were knowingly made and done during the continuance of the conspiracy, and in furtherance

of some object or purpose of the conspiracy.

Of course, a statement of a conspirator, which is not in furtherance of the conspiracy, or which is made before its existence, or after its termination, may be considered as evidence only against the person making it. Nor may a statement of one conspirator made after another conspirator has withdrawn from the conspiracy be considered against the withdrawn conspirator.

As to the third element: that one of the conspirators thereafter knowingly committed at least one of the overt acts charged in the indictment, at or about the time and place alleged... the indictment alleges twelve overt acts and I will read them to you.

1. On or about July 29, 1979, the defendant ERRICHETTI told Melvin Weinberg during a telephone conversation between Florida and New Jersey that the defendant MYERS was prepared to meet with Special Agent Amoroso and Weinberg.

2. On or about August 5, 1979, at John F. Kennedy International Airport, within the Eastern District of New York, the defendant ERRICHETTI met with Amoroso and Weinberg and told them that the defendant MYERS would assist the foreign businessmen

in an immigration matter in return for a payment of money.

3. On or about August 7, 1979, in Cherry Hill, New Jersey, the defendants ERICHETTI and CRIDEN had a meeting with Amoroso and Weinberg.

4. On or about August 22, 1979, the defendant CRIDEN travelled by automobile from Philadelphia, Pennsylvania, to John F. Kennedy International Airport accompanied by Michael Criden.

5. On or about August 22, 1979, the defendants MYERS and JOHANSON travelled by automobile from New Jersey to John F. Kennedy International Airport.

6. On or about August 22, 1979, the defendant ERRICHETTI travelled by automobile from New Jersey to John F. Kennedy International Airport accompanied by Joseph DiLorenzo.

7. On or about August 22, 1979, the defendants MYERS, ERRICHETTI, JOHANSON and CRIDEN had a meeting at John F. Kennedy International Airport.

8. On or about August 22, 1979, at the Travelodge International Motel, within the Eastern District of New York, the defendants MYERS and ERRICHETTI had a meeting with Amoroso and Weinberg during which the defendant MYERS received Fifty Thousand Dollars

($50,000.00) in return for being influenced in his performance of official acts in an immigration matter on behalf of the foreign businessmen.

9. On or about August 22, 1979, the defendants ERRICHETTI and CRIDEN had another meeting at John F. Kennedy International Airport, said meeting being different from the meeting referred to in Overt Act 7.

10. On or about August 22, 1979, in Philadelphia, Pennsylvania, the defendants MYERS, JOHANSON and CRIDEN held a meeting at which a portion of the Fifty Thousand Dollars ($50,000.00) was divided among themselves.

11. On or about January 24, 1980, at the Barclay Hotel, Philadelphia, Pennsylvania, the defendants MYERS and CRIDEN had a meeting with Special Agents Wald and Haridopolos during which the defendant MYERS complained of his failure to receive Fifty Thousand Dollars ($50,000.00) for his exclusive use and benefit as a result of the August 22, 1979 meeting, and solicited, demanded and agreed to receive an additional Thirty-Five Thousand Dollars ($35,000.00) in return for his assistance in the immigration matter.

12. On or about January 25, 1980, at the Barclay Hotel, Philadelphia, Pennsylvania, the

defendant MYERS had a meeting with Special Agents Wald and Haridopolos.

Those are the overt acts alleged in the indictment.

It is not essential that the Government prove performance of all twelve of these overt acts. All that is required to satisfy this element of the crime is that the Government prove beyond a reasonable doubt that at least one of them occurred while the conspiracy was in existence. And, as to each defendant found to be a member of the conspiracy, there must be proof that an overt act occurred during the time he was a member.

As to the fourth element: "That such overt act was knowingly done in furtherance of some object or purpose of the conspiracy charged."

An "overt act" is any act that is knowingly committed by one of the conspirators, in an effort to effect or accomplish some object or purpose of the conspiracy. The overt act itself need not be criminal in nature, if considered separately and apart from the conspiracy. It may be as innocent as the act of a man walking across the street, or driving an automobile, or using a telephone. It must, however,

be an act which follows and tends toward accomplishment of the plan or scheme, and must be knowingly done in furtherance of some object or purpose of the conspiracy charged in the indictment.

In your consideration of the evidence in the case, you should first determine whether or not the conspiracy existed, as alleged in the indictment. If you conclude that the conspiracy did exist, you should next separately determine whether or not each of the accused wilfully became a member of the conspiracy, and, if he did, during what time was he a member.

If it appears beyond a reasonable doubt from the evidence in the case that the conspiracy alleged in the indictment was wilfully formed, and that a defendant wilfully became a member of the conspiracy either at its inception or afterwards, and that thereafter, while the defendant was a member, one or more of the conspirators knowingly committed one or more of the overt acts charged in furtherance of some object or purpose of the conspiracy, then there may be a conviction of that defendant even though the conspirators may not have succeeded in accomplishing their common object or purpose, and in fact may have failed of so doing.

Charge of the Court

A defendant's guilt or innocence of the crime of conspiracy is not determined by the extent or degree of his participation. A defendant may be convicted as a conspirator even though he may have played only a minor part in the conspiracy.

You are further instructed, with regard to the alleged conspiracy offense, that proof of other conspiracies involving some of these defendants is not proof of the single conspiracy charged in the indictment. What you must do is determine whether the single conspiracy charged in the indictment existed between two or more conspirators. If you find that no such conspiracy existed, then you must acquit the defendants as to that charge. However, if you are satisfied that such a conspiracy existed, you must determine who were the members of that conspiracy.

If you find that a particular defendant was a member of another consiracy, but not the one charged in the indictment, then you must acquit that defendant on the conspiracy count. In other words, to find a defendant guilty of conspiracy you must find that he was a member of the particular conspiracy charged in the indictment and not some other separate conspiracy.

Now, applying these general considerations to the conspiracy charged in Count One of the indictment, you must keep in mind the particular conspiracy with which these defendants are charged. It is to defraud the United States of the faithful and honest service of Congressman Myers and to have him receive money -- as a bribe or gratuity -- in connection with certain matters pertaining to the immigration, residency and citizenship of a fictitious Middle Eastern business man.

In short, the def endants are charged with a conspiracy relating to Congressman Myers and the immigration, residency and citizenship status of the Sheik. They are not, repeat not, charged here with any conspiracy with respect to: any other Congressmen; any Senators; any hotel projects or zoning problems in Philadelphia; any gambling casino projects in Atlantic City; any port development projects in Philadelphia; any dealings with organized crime unions, or local or state officials, or any other matters.

I have permitted you to hear evidence of discussions and meetings pertaining to these other matters, not because they were part of the conspiracy

charged here, but only because that evidence might help you determine three certain things:

1. Defendant MYERS' state of mind when he accepted the $50,000 payment. Did he take the money in return for being influenced in immigration and residency problems the Sheik might have in the future? Did he take it because of an official act? Or was he only pretending that he would help the Sheik, without actually intending to do so?

2. Whether there was a common plan or scheme in the actions of Mr. Weinberg that was followed with these defendants.

3. The state of mind of the other three defendants -- ERRICHETTI, JOHANSON and CRIDEN -- from their statements and conduct on such of those other occasions that any of them participated in. You may better be able to determine each of the participants' knowledge and intent with respect to the events charged here -- that is, whether each one acted in this conspiracy knowingly and wilfully.

Of course, with respect to each of those other matters, since they were outside the conspiracy charged in this indictment, you should consider the acts and statements made, to be evidence only against the

defendant who made them.

There are a few more comments I have to give you about limiting instructions. I mentioned them once before. I had given you limiting instructions with respect to the many tapes and conversations that you heard. In evaluating them, you should focus upon who participated, when did it occur, and then looking at the overall picture, who was in the conspiracy at that particular time. And any statements we are talking about of that nature you may weigh only against members of the conspiracy at the time the statements were made. Or against those people who actually made the statements.

You heard tapes and other testimony with respect to events pertaining to Senator Williams. Senator Williams is not prt of this case. That is a separate transaction. It involves some parallels to what happened in the transactions that we are concerned with here. And the evidence there was offered for your consideration on the question of whether or not there was a common plan or scheme in the actions of Mr. Weinberg, so that you can determine whether or not what happened there did happen in the situation here.

Thirdly, the statement that was made by the defendant JOHANSON to the FBI agent, that was made after the conspiracy ended. And that statement may be used only in connection with your deliberations on Mr. Johanson. You may not use it against the other defendants.

Similarly, the false statement made by the defendant MYERS to Agent McMullen with respect to not knowing the Sheik's representatives, that also was made after the conspiracy was over and you may use that only in connection with weighing the conduct and state of mind of the defendant MYERS and not that of the other defendants.

I just want to get this organized here.

Now, with respect to the events at the Barclay Hotel on January 24, 25, Mr. Myers, Mr. Criden, and just MYERS on another occasion, you will recall there is some testimony that the defendant ERRICHETTI was out of the MYERS' transaction as of October or November, and if you find that to be so, of course, whatever happened at the Barclay Hotel will be after he ceased to be a member of the conspiracy, if you find a conspiracy to have existed, and if you find he was a member of it at an earlier date.

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You may not weigh the events at the Barclay as bearing against the defendant ERRICHETTI if you find that he was no longer a member of a conspiracy there.

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THE COURT: Also, with respect to what happened at the Barkley, that evidence I admitted to assist in determining what was the defendant Myers' state of mind back in August. Was he pretending? Did he take the money in return for being influenced in an official act? Did he take it because of an official act? Did he act knowingly and corruptly? Those are, as I indicated, issues which you must determine.

And you may weigh his conduct and statements in January in determining what his state of mind may have been back in August.

All right, in summary on the conspiracy count, based on the foregoing instructions and all the evidence in the case, you must determine for each defendant whether the Government has established beyond a reasonable doubt: One, that a conspiracy as described in the indictment was wilfully formed; two, that the defendant wilfully became a member; three, that at least one of the overt acts was committed by one of the conspirators while the defendant was a member; four, that the overt act was knowingly done in furtherance of the conspiracy.

Aiding and abetting versus conspiracy -

with overt act.

You may have wondered what is the difference between conspiracy under Count 1 and aiding and abetting under Count 2 that I discussed with you. How do you distinguish between a conspiracy to receive a bribe or criminal gratuity as charged in Count 1 and aiding and abetting their commission as charged in Count 2?

The two concepts are indeed similar, but there is an essential difference.

In conspiracy, the essence of the crime is the agreement. Once a person has agreed with another to engage in criminal conduct, and one overt act by any of the conspirators has been committed, then the crime of conspiracy has been committed, even if nothing further is done.

With aiding and abetting, however, it is necessary not only that the substantive crime, that is the receipt of a bribe or a criminal gratuity actually occurred, but also that the aider and abettor do some affirmative act himself in furtherance of the substantive crime. That is, that he assist and actively participate in some way to accomplish the criminal venture.

It is important, ladies and gentlemen, that you focus on the precise issues before you. The defendants are on trial in this case for the three counts in the indictment.

(1) Conspiracy to defraud the United States by agreeing to deprive the Government of the faithful and honest service of Michael O. Myes, and agreeing to receive money as a bribe or as a gratuity.

(2) Receiving money as a bribe or as a gratuity; and

(3) Traveling interstate with the intent to promote and thereafter promoting the unlawful activity of receiving money as a bribe or as a gratuity.

Defendants are not on trial for any other crimes. Their guilt or innocence must be determined solely on the basis of whether the Government has established beyond a reasonable doubt the essential elements of the particular crimes charged.

Nor is the Government, or the FBI, or Melvin Weinberg on trial here. You have heard a great deal of evidence and argument about the

FBI's ABSCAM operation and Mr. Weinberg.

As I explained to you earlier this week you are not to be concerned with whether the prosecution, or the FBI agents or Mr. Weinberg acted or whether the ABSCAM investigation was conducted legally or illegally, properly or improperly. Those are questions which must be decided by me at an appropriate time. But they are not questions which should affect your determination of the facts in this case and the guilt or innocence of the defendants. Your concern must be with what the defendants did or what they thought.

What the FBI agents and Mr. Weinberg did should concern you only to the extent that you find it affected the conduct and state of mind of a defendant or the credibility of any witnesses as to those matters.

You should also keep in mind that a trial is not a popularity contest.

Whether you like or dislike, or approve or disapprove of any of the participants - the attorneys, the defendants, Mr. Weinberg, Mr. DiLorenzo or any other witness -- should not enter

into your evaluation of the evidence, your weighing of the testimony and your determining of the issues. You must fairly and impartially evaluate all the evidence in the case, and determine if the Government has established beyond a reasonable doubt evidence of the essential elements of the crime charged.

You are to draw no unfavorable inference against the defendants or any of them because of because of the fact that they were tried together. You must give separate consideration, and render a separate verdict with respect to each defendant. And each is entitled to have his guilt or innocence determined from his own conduct, and from the evidence which applies to him, as if he were being tried alone. Guilt or innocence is an individual matter, and when you deliberate upon the verdicts in this case, you must determine the guilt or innocence of each defendant separately and individually.

As I have told you, however, unless you find defendant Myers guilty under Count 2, of receiving either a bribe or a gratuity, you may not find him guilty under Count 1 or 3, nor may you

find any other defendant guilty on any of the charges. If you do find the defendant Myers guilty under Count 2, however, then you may find any of the defendants either guilty or not guilty on any and all of the counts in the indictment.

With respect to each crime charged against the defendant, the Government must prove every element of the crime charged beyond a reasonable doubt. If the Government fails as to any element, you must acquit as to that crime.

The fact that one element of the crime may or may not exist has no bearing upon any other element.

If you conclude that one element of the crim has been established, you may not infer solely from the existence of that element the existence of any other element of the crime.

If any element of the crime has not been established beyond a reasonable doubt, your verdict must be "not guilty". On the other hand, you must convict the defendant if each of the elements of the crime has been proved beyond a reasonable doubt.

I have sought not to comment on the evidence

in any detail or to give any impression as to my own view, if I have one, of the relative weight of the evidence. However, if I have done so inadvertently, I ask you to disregard it entirely, because you are the sole judges of the facts.

Under your oath as jurors, you cannot allow a consideration of the sentence which may be imposed upon a defendant, if he is convicted, to enter into your deliberations, or to influence your verdict in any way. In the event of a conviction, the duty of imposing sentence rests soley with me.

In your deliberations, you are not to consider whether you approve or disapprove of the statutes which the defendants are charged with violating. The only question for you to consider is whether the Government has proved beyond a reasonable doubt the essential elements of the crimes as I have explained them.

Now, let us discuss your deliberations -- how you should go about reaching your verdict.

When you retire to the jury room, your first duty will be to elect your foreman or forelady, who will preside over your deliberations.

Charge

During your deliberations, you should assume the attitude of judges of the facts rather than partisans or advocates.

Some of you have kept notes during the trial. You may take those notes with you to the jury room for your deliberations. Of course, just because one juror may have written down a note as to some bit of evidence does not necessarily mean his notation is correct. We all make mistakes in note taking, and in your deliberations you each should weigh carefully your own recollections and notes as well as those of your fellow jurors. When you consider evidence to be found in the exhibits, as a precaution against possible inaccurate note taking, you should check the exhibits themselves in order to be satisfied that they actually show what your notes reflect.

Notes are simply an aid to memory and may not be given any greater weight or influence in the determination of this case than the recollection or impression of other jurors with respect to the facts or the conclusions to be drawn from the facts. Any controversy between such a recollection and a juror's notes should, in any

event, be settled by asking to have the Court Reporter's transcript on the point read back to yo for it is the Court record rather than any juror's notes upon which you must base your determinatic of the facts and ultimately your verdict.

Your duty is to weigh the evidence in the case, and to determine the guilt or innocence of the defendant solely upon the basis of the evidenc and these instructions.

Each of you, as jurors, is entitled to your own opinion, but each of you should exchange views with your fellow jurors.

That is the very purpose of jury deliberation to discuss and to consider the evidence; to listen to the arguments of fellow jorors;

To presnt your individual views;

To consult with one another; and

To reach an agreement based solely and wholly on the evidence, if you can do so without violence to your own individual judgment.

Each of you must decide the case for yourself after consideration with your fellow jurors.

But you should not hestitate to change an opinion which, after discussion with your fellow

jurors, appears to you to be erroneous.

However, if after carefully considering all the evidence, and the arguments of your fellow jurors, you entertain a conscientious view that differs from others, you are not to yield your judgment simply because you are outnumbered.

Your final vote must reflect your conscientious view as to how the issues should be decided.

The charges here are most serious.

A just determination of this case is important to the public;

It is equally important to these defendants.

Under your oath as jurors, you must decide this case without fear or favor, and solely in accordance with the evidence and the law.

If the Government has failed to carry its burden as to a defendant, your sowrn duty is to acquit;

If it has carried its burden as to a defendant, you must not flinch from your sworn duty -- you must convict.

Shortly after you retire to deliberate, I will send into your a copy of the indictment and

each of the exhibits which has been admitted into evidence.

If you wish to have some portion so the testimony repeated, I will call you back into the Courtroom and have it read to you. When the Court Reporters have completed typing up my instructions to you, which probably will be within an hour or so, I will have a copy of my instructions sent to you so that it won't be necessary for you to come out and read it back to you if there is some portion you wish to hear.

With respect to the part about expert witnesses, I did not cover that. If you want that, send out a note and I will take care of that for you.

You must report a verdict as to each defendant on all counts of the indictment. You may find a defendant guilty or not guilty with the exceptions I have given you. You may find a defendant guilty or not guilty on any and all of the counts. A verdict on each count must be unanimous. I have prepared a form of verdict which you may find helpful in keeping track of your verdicts as you reach them. The Marshal

will give it to you along with the indictment and the exhibits.

The Marshal will be available outside the jury room to report when you have reached your verdict or to let me know if there are any questions which you wish to have answered.

When you have arrived at your verdict, ready to report something, tell the Marshal but do not disclose what your verdicts are. I will have the Foreperson announce them orally back in the Court.

Take a short recess during which counsel will review the charge with me to make certain I haven't misspoken or omitted something.

Don't discuss the case.

(The jury left the Courtroom.)

(Continued on next page.)

* * *

* * * *

(The jury thereupon returned to the Courtroom at 11:45 o'clock A.M.)

THE COURT: There are just a couple of things on the charge, ladies and gentlemen. You will recall in connection with the events of the Barclay, I have told you that your consideration of those events should be limited to ascertaining what was the defendant Myers' state of mind back in August.

However, counsel have pointed to me that I also read them to you as overt acts numbers 11 and 12. In view of the limitation that I placed upon their use in evidence, I will strike overt acts numbered 11 and 12 and you should just consider that they are not part of the indictment as overt acts. And you will recall that I told you that with respect to the overt acts it is only necessary that one overt act be established beyond a reasonable doubt and all the other circumstances that related to that, that it has to be an overt act during the time that a particular person was a member. In other words, if your conclusion is that there was a conspiracy and the membership

varied from time to time, in order to find that a particular member of the conspiracy was guilty of conspiracy, you would have to find that there had been an overt act committed during the time that he was a member. Assuming that there was only one overt act and it occurred before someone joined or after he withdrew, then he wouldn't have been guilty of conspiracy. If it occurred while he was a member then he would be. So then the only effect that has on anything that has happened here is when you read the indictment just pretend that overt acts 11 and 12 aren't there. Everything else is the same.

With respect to the expert witness charge I said I was not going to read it to you. What I will do is when I have the written charge sent in to you I will have copies of the transcript of what I said before so that will also be in front of you and itself will be a refrehesher.

There is one other thing. In talking about the various crimes that are charged here I apparently referred on various occasions to when the crime was committed, or the conspiracy began, or this conspiracy had ended, or something happened

after the conspiracy ended. You of course understand that is just a manner of speech. Whether or not any crime is committed is your determination. Whether or not there was a conspiracy is your determination. Every fact in this case is for your determination. And to the extent that I may have spoken as if there were crimes, as if there were conspiracies, and so forth, that is just a means of talking about or getting into a discussion as to the various matters that we had to cover. And it was not in any way to imply that I had made a determination, or there had been a crime committed, or there was a conspiracy, or that any of the facts that I had talked about are actually facts. These are all matters for your decision and for your decision only.

All right. We are now at the stage that I spoke to you about almost three weeks ago. We started with 16 jurors. We are still very fortunate to have all 16 of you ready to go to work. Unfortunately, as I explained at the beginning, only 12 of you are going to have that duty and privilege, which means Barnetta Shefrin, Reginald

Allen, Patricia Langford and Hyman Wattenberg, your services as jurors in this case is at an end.

I told you at the beginning that you should not feel that this in any way -- that your participation in the case is of any less importance than if you were on the deliberating jury. It is just under the rules it is 12 and it is not 16. Your part of this case has been just as important a part as that of any of the other 12 jurors. I want to thank you for the near heroic labors that you have put in here with what I am told is a rather stiff hand. You have put in a lot of work. You have been very attentative. I want to thank you for what you have done. You have made a significant contribution to the case because your presence here has made it possible at this point to have the case reassured of going on to a just conclusion. When the other jurors retire to deliberate you are excused and relieved of all strictures that I have placed upon you.

Now, your oaths sum up your duties, ladies and gentlemen, and that is without fear or favor to anyone you will well and truly try the issues

between these parties according to the evidence given to you here in Court and according to the laws of the United States.

You may now retire to the jury room and begin your deliberations.

(The following occurred at 11:52 o'clock A.M. in open Court.)

THE CLERK: Ladies and gentlemen of the jury, take your pens and pencils with you.

The four alternates, I would like to see you on the side. You can bring me back your pads and pencils.

Now, counsel, I will be out in a minute to collect all of your Exhibits.

(The jury thereupon retired from the Courtroom at 11:53 o'clock A.M. to begin their deliberations.)

* * *

* * *

THE COURT: Ladies and gentlemen, I have your notes.

Take the second one first, Court's Exhibit 21, which says:

"Also, we requested a copy of your instructions of this morning two to three hours ago and still have not received them. Receipt of them is imperitive to further our deliberations."

I can appreciate your frustration. The delay has been due to the fact that the Court reporters did not get them typed quite as quickly as I had hoped they would be able to. They had them for perhaps 35 minutes. They are being proofread.

I had just this minute finished reading them. There were a couple of changes I had to make, where a typographical error could probably create some problems, which we will correct in longhand for you. There are a few typlgraphical errors which are obviously seen.

One admonition I should give you with respect to the instructions: you should not single out any instruction or find a line here and say that solves the problem. You must consider the instructions as a whole and apply them in the way that I gave them overall.

Now, with respect to Court's Exhibit 20, which is your note about, first, "may we be provided with Court stenographer's transcript of the Ellis Cook testimony."

I answered that to you, saying:

"I cannot send you the trahscript. However, I will have any part or all part of it read to you here in the Courtroom. Please let me know what part or parts you wish to hear."

"Yes! Testimony of August 14th of direct examination of the conversation between Myers and Johanson."

Now, counsel and I have conferred about this, and if I understand your request correctly, it is that you want only the testimony of Ellis Cook on his direct examination, what he said about a conversationbetween Congressman Myers and Mr. Johanson.

We find that at page 1151 of the record.

The question is:

"Then what happened?"

"A Congressman Myers came back in with Mr. Johanson. They introduced me to Congressman Myers and I went back to my own office. I was in Mr. Criden's office at that time. A few minutes later they called me in. Apparently, Congressman Myers had left."

Counsel and I are agreed there is nothing more in the direct testimony of Mr. Cook that pertains to conversations or dealings in the presence of Mr. Cook between Myers and Johanson.

My question to you, is that what you wanted to hear or do you have reference to something else?

THE FOREPERSON: Something else?

THE COURT: If you can tell me what it is, fine. If you want to go back and phrase it for me precisely in a note, you can do that, too.

(Pause)

THE FOREPERSON: Your Honor, the jury has selected me to be foreman.

The conversation that we requested is the one with Congressman Myers and Mr. Johanson in Mr. Johanson's home in Longport prior to the August 22nd meeting.

THE COURT: Was that in the testimony of Congressman Myers?

THE FOREPERSON: It was also in the testimony of Congressman Myers; but we belive we have reference to it in the testimony of Mr. Cook as well.

THE COURT: Is it Mr. Cook's version that you want to hear?

THE FOREPERSON: Yes.

THE COURT: Not Congressman Myers'?

THE FOREPERSON: Yes.

THE COURT: Yes, meaning no, not Congressman Myers'?

THE FOREPERSON: Yes, you are correct. WE want Mr. Cook's and not Mr. Myer's.

THE COURT: All right. I understand what it is you wish to hear. Give me a chance to find it with counsel and we will call you back in when we

can locate it, and I will have the charge for you very shortly.

THE FOREPERSON: Thank you very much.

* * *

THE COURT: Ladies and gentlemen, from the direct testimony of Mr. Cook, page 1135;

"Q Did you have occasion to discuss this matter with Mr. Criden and Mr. Johanson again?

"A At a later time. And, I would say, within a week or so, Mr. Johanson had indicated he had talked with Congressman Myers and he would be willing to meet with the Sheik or the Sheik's reprseentatives. I don't remember which one it was.

"Q And did Mr. Johanson say anything else?

"A At that point, no, sir."

That's all we can find that fits into the category of what you gave to us. So it's the answer to the question you have asked.

I don't mean to say you can't hear anything else. You can have the whole thing read back to you, the whole transcript, I suppose if necessary; but I have tried to answer the question that you have asked.

Now, you may have to ask a different question if you are looking for something else. That's all for the moment.

I will have the transcript and the business on the charge sent into you in a minute. You may resume your deliberations.

* * *

THE COURT: Ladies and gentlemen, I have your note. It indicates that you have reached a verdict.

Would you take the verdict, please?

THE CLERK: Yes, your Honor.

Madam Forelady, would you please rise?

Madam Forelady, ladies and gentlemen of the jury, have you agreed upon a verdict?

JUROR NUMBER ONE: Yes, we have.

THE CLERK: I refer to the form of verdict.

How do you find the defendant Myers on Count One?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Errichetti on Count One?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Johanson on Count One?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Criden on Count One?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Myers on Count Two?

(Bribery)

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Errichetti on Count Two?

(Bribery.)

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the Defendant Johanson on Count Two?

(Bribery.)

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the Defendant Criden on Count Two?

(Bribery)

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the Defendant Myers on Count Three?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the defendant Errichetti on Count Three?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the Defendant Johanson on Count Three?

JUROR NUMBER ONE: Guilty.

THE CLERK: How do you find the Defendant Criden on Count Three?

JUROR NUMBER ONE: Guilty.

THE CLERK: The Court having received your verdict you the jury say you find the defendants Myers, Errichetti, Johanson and Criden guilty on counts one, two on bribery and count three, so say you all?

JURORS: We do.

THE CLERK: Please be seated. Thank you.

THE COURT: Ladies and gentlemen, that concludes not only three long weeks of work but your obligations in connection with this trial.

Does someone wish to have the jury polled?

MR. DUFFY: Yes.

MR. BROWN: Yes.

THE COURT: Poll the jury.

THE CLERK: Juror number one, is that your verdict?

Starting on this side, Juror Number One, is that your verdict?

JUROR NUMBER ONE: Yes.

THE CLERK: Juror number two, is that your verdict?

JUROR NUMBER TWO: Yes.

THE CLERK: Juror number three, is that your verdict?

JUROR NUMBER THREE: Yes.

THE CLERK: Juror number four, is that your verdict?

JUROR NUMBER FOUR: Yes.

THE CLERK: Juror number five, is that your verdict?

JUROR NUMBER FIVE: Yes.

THE CLERK: Juror number six, is that your verdict?

JUROR NUMBER SIX: Yes.

THE CLERK: Juror number seven, is that your verdict?

JUROR NUMBER SEVEN: Yes.

THE CLERK: Juror number eight, is that

your verdict?

JUROR NUMBER EIGHT: Yes.

THE CLERK: Juror number nine, is that your verdict?

JUROR NUMBER NINE: Yes.

THE CLERK: Juror number ten, is that your verdict?

JUROR NUMBER TEN: Yes.

THE CLERK: Juror number eleven, is that your verdict?

JUROR NUMBER ELEVEN: Yes.

THE CLERK: And juror number twelve, is that your verdict?

JUROR NUMBER TWELVE: Yes.

THE CLERK: Thank you.

* * *